Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for scanning. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of scanning are checked below.

L'Institut a numérisé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de numérisation sont indiqués ci-dessous.

- ☐ Coloured covers / Couverture de couleur
- ☐ Covers damaged / Couverture endommagée
- ☐ Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- ☐ Cover title missing / Le titre de couverture manque
- ☐ Coloured maps / Cartes géographiques en couleur
- ☐ Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- ☐ Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- ☐ Bound with other material / Relié avec d'autres documents
- ☐ Only edition available / Seule édition disponible
- ☑ Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.

- ☐ Coloured pages / Pages de couleur
- ☐ Pages damaged / Pages endommagées
- ☐ Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- ☑ Pages discoloured, stained or foxed/ Pages décolorées, tachetées ou piquées
- ☐ Pages detached / Pages détachées
- ☑ Showthrough / Transparence
- ☑ Quality of print varies / Qualité inégale de l'impression
- ☐ Includes supplementary materials / Comprend du matériel supplémentaire
- ☐ Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from scanning / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été numérisées.

☑ Additional comments / Commentaires supplémentaires:

Pagination is as follows: [1]-210, 213-446, 449-962.

Pages 85, 171, 443, 520 & 738 are incorrectly numbered pages 8, 170, 343, 20 & 38.

Includes some text in Gaelic and French.

DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1890

REPORTED AND EDITED BY

HOLLAND Bros.

Official Reporters of the Senate of Canada, Ottawa

FOURTH SESSION—SIXTH PARLIAMENT

OTTAWA:

PRINTED BY BROWN CHAMBERLIN, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1890.

THE DEBATES

— OF THE —

SENATE OF CANADA

— IN THE —

FOURTH SESSION OF THE SIXTH PARLIAMENT OF THE DOMINION OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THURSDAY, THE SIXTEENTH DAY OF JANUARY, IN THE FIFTY-THIRD YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THE SENATE.

Ottawa, Thursday, January 16th, 1890.

THE SPEAKER took the Chair at 2:30 p. m.

Prayers and routine proceedings.

THE SPEECH FROM THE THRONE.

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 FOURTH SESSION of the SIXTH PARLIAMENT OF THE DOMINION OF CANADA, with the following Speech:—

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In calling you together again for the consideration of public affairs, I may fairly congratulate you on a continuance of the progress and prosperity of the country.

During the recess I visited Manitoba and the North-West Territories and British Columbia, and everywhere I found myself received with the loyalty and good-will which I have learned to be characteristic of Canada. A comparison of my own observations with those of my predecessors shows clearly the great progress which has marked this part of the Dominion, in the settlement of the country and in the development of its great agricultural capabilities, of its mineral wealth and of its other natural resources.

In consequence of the repeated seizures by cruisers of the United States Navy of Canadian vessels, while employed in the capture of seals in that part of the Northern Pacific Ocean known as Behring Sea, my Government has strongly represented to Her Majesty's Ministers the necessity of protecting our shipping, while engaged in their lawful calling, as well as of guarding against the assumption by any nation of exclusive proprietory rights in those waters. I feel confident that those representations have had due weight, and I hope to be enabled during the present Session to assure you that all differences on this question are in the course of satisfactory adjustment.

Having observed the close attention which has recently been given by the Imperial authorities and on the continent of Europe to the improvement in the methods of catching, curing and packing fish, I deemed it expedient to cause a Commission to be sent to Scotland and Holland to examine and report upon this subject during the fishing season. The report of the delegates will be laid before you; it will, I am sure, give our fishermen most valuable information and instruction as to the best means of improving and developing this important industry.

My Ministers have carefully considered the difficulties which surround the administration of the rights of the Dominion in its foreshores, harbors, lakes and rivers, and a measure will be submitted to you for removing uncertainty as to the respective rights of the Dominion and of the Provinces, and for preventing confusion in the titles thereto.

The report of the Royal Commission on Labor, which was laid before you during the last Session, has been distributed throughout the country. I have reason to believe that the information which it contains will be found eminently useful in suggesting improvements in the administration of the laws which affect the working classes. Measures for the amendment of those laws, so far as they come within the jurisdiction of the Parliament of Canada, will be submitted for your consideration.

The early termination of the Acts of incorporation of the principal banking institutions of the Dominion necessitates a review of our present system of banking and an adjustment of the terms under which the Charters of these corporations should be renewed. Your attention will be drawn to this important subject.

Certain amendments to the Acts relating to the North-West Territories, calculated to facilitate the administration of affairs in that region, as also a Bill further to promote the efficiency of the North-West Mounted Police, will be submitted for your consideration.

Measures will be laid before you relating to bills of exchange and promissory notes, to improve the laws respecting patents of invention and discovery, to amend the Adulteration Act, and the law respecting the Inland Revenue, to amend also the Act respecting the Geological and Natural History Survey of Canada, and to provide for the better organization of the National Printing Establishment.

Gentlemen of the House of Commons:

The accounts for the past year will be laid before you. It will be found that the estimates of revenue have been realized, and that after having fully provided for the various public services of the country, a substantial surplus will remain. The Estimates for next year have been framed with a due regard to the requirements of the Public Service.

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I commit these weighty matters, and all others which may come before you, to your earnest consideration, and I rely upon your wisdom and prudence to deal with them in the manner which, under Divine Providence, may prove most conducive to the happiness and prosperity of Canada.

NEW SENATORS.

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

HON. SAMUEL PROWSE.

HON. CHARLES ARKEL BOULTON.

HON. JAMES ALEXANDER LOUGHEED.

FIRST READING.

Bill "An Act Relating to Railways."—(Mr. Abbott.)

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Friday, January 17th, 1890.

THE SPEAKER took the chair at 3 p. m.

Prayers and routine proceedings.

THE ADDRESS.

MOTION.

HON. MR. BOULTON moved

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

To HIS EXCELLENCY the Right Honorable Sir FREDERICK ARTHUR STANLEY, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of Great Britain; Knight Grand Cross of the Most Honorable Order of the Bath; Governor General of Canada and Vice-Admiral of the same

MAY IT PLEASE YOUR EXCELLENCY :—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly thank Your Excellency for your gracious Speech at the opening of this Session.

We rejoice that Your Excellency on calling us together again for the consideration of Public affairs can with justice congratulate us on a continuance of the progress and prosperity of the country.

It affords us great pleasure to learn that during the recess Your Excellency visited Manitoba, the North-West Territories and British Columbia, and that everywhere Your Excellency found yourself received with the loyalty and good will which you graciously say you have learned to be characteristic of Canada. It is gratifying to us to find that a comparison of Your Excellency's own observations with those of your predecessors shows clearly the great progress which has marked this part of the Dominion, in the settlement of the country and in the development of its great agricultural capabilities, of its mineral wealth and of its other natural resources.

We receive with a full sense of its importance the announcement that, in consequence of the repeated seizures by cruisers of the United States navy of Canadian vessels, while employed in the capture of seals in that part of the Northern Pacific Ocean known as Behring Sea, Your Excellency's Government has strongly represented to Her Majesty's Ministers the necessity of protecting our shipping, while engaged in their lawful calling, as well as guarding against the assumption by any nation of exclusive proprietory rights in those waters. We beg leave to assure Your Excellency of our confidence that those representations have had due weight, and we trust that your hope of being enabled during the present Session to assure us that all differences on this question are in the course of satisfactory adjustment will be realized.

We are glad to learn that, having observed the close attention which has recently been given by the Imperial authorities and on the Continent of Europe to the improvement in the methods of catching, curing and packing fish, Your Excellency deemed it expedient to cause a Commission to be sent to Scotland and Holland to examine and report upon this subject during the fishing season, and that the report of the delegates will be laid before us. It will, we are sure, give our fishermen most valuable information and instruction as to the best means of improving and developing this important industry.

We receive with interest the information that Your Excellency's Ministers have carefully considered the difficulties which surround the administration of the rights of the Dominion in its foreshores, harbors, lakes and rivers, and that a measure will be submitted to us for removing uncertainty as to the respective rights of the Dominion and of the Provinces, and for preventing confusion in the titles thereto.

We thank Your Excellency for informing us that the report of the Royal Commission on Labor, which was laid before us during the last Session, has been distributed throughout the country. We do not doubt that the information which it contains will be found eminently useful in suggesting improvements in the administration of the laws which affect the working classes, and we hear with satisfaction that measures for the amendment of those laws, so far as they come within the jurisdiction of the Parliament of Canada, will be submitted for our consideration.

Your Excellency has been pleased to announce to us that the early termination of the Acts of incorporation of the principal banking institutions of the

Dominion necessitates a review of our present system of banking and an adjustment of the terms under which the charters of these corporations should be renewed. We beg leave to say that we shall not fail to give our most careful attention to this important subject.

We are gratified to learn that certain amendments to the Acts relating to the North-West Territories, calculated to facilitate the administration of affairs in that region, as also that a Bill further to promote the efficiency of the North-West Mounted Police, will be submitted for our consideration.

We also thank Your Excellency for informing us that measures will be laid before us relating to Bills of Exchange and Promissory Notes, to improve the laws respecting patents of invention and discovery, to amend the Adulteration Act, and the law respecting the Inland Revenue; to amend also the Act respecting the Geological and Natural History Survey of Canada, and to provide for the better organization of the National Printing Establishment.

We humbly beg leave to assure Your Excellency that these weighty matters, and all others which may come before us, shall receive the careful consideration from us which you have been graciously pleased to invite, and also to assure Your Excellency that you may rely upon our most earnest efforts to deal with them in the manner which, under Divine Providence, may prove most conducive to the happiness and prosperity of Canada.

He said:—It is with a considerable amount of diffidence that I rise to move this resolution. It is a duty that is assigned, as a general rule, I believe, to the junior members of this House, and while it is one of considerable importance, it is also a high honor to be entrusted with the privilege of expounding the policy of the Government so far as it is foreshadowed in the Speech which we have before us. I have to thank the Government for the appointment they have seen fit to make in summoning me to a seat in this House, and that I have been adjudged of sufficient experience to take my seat amongst the public men of the country who have been before me appointed to the Senate. I am specially pleased to follow the late member of the Senate, the Hon. Dr. Schultz, who has been such a pioneer of the North-West Territories—in fact, I may say that he is still one of the pioneers of our North-West country, as the Journals of this House will show by the services he has performed in endeavoring to probe the unknown resources of the Great Mackenzie Basin, which is one of the distant parts of our Dominion. I have much pleasure in expressing the gratification that the visit of His Excellency the Governor General has given to the people of the North-West Territories, where he had the opportunity himself of witnessing the industrious settlers of that country rough-hewing the destinies of that vast territory to which Canada has fallen heir; and also the gratification that His Excellency has himself expressed with all that he saw in that country. It is just thirty-one years ago, this month, since I had the honor of being relieved by His Excellency the Governor General, at the School of Musketry, Hythe, when we were officers together in the British Army—he being in the Guards, and I in Her Majesty's 100th Regiment; and it is with the greatest pleasure that I take the opportunity from my seat in this hon. House to extend a welcome to him to Canada as the constitutional head of the Dominion; and I think that the country is to be congratulated upon the fact that we have a man of experience and talent to assist our Government in maintaining the constitutional privileges that have been handed down to us from the British Crown in all their integrity—a Constitution that contains the elements of freedom, that gives the greatest guarantee for the liberties of the people. Through the appointment of our Governor General we are removed from the turmoil and all the disturbing influences of a general election, and I think that the country, from one end of it to the other, appreciates the value of the services of such a talented and distinguished man as now presides over the destinies of the Dominion. I am sure that every one in Canada will learn with satisfaction that there is likely to be a speedy termination to the International question in regard to the seal fisheries in Behring Sea. It is a question which has been disturbing the people of both countries for some time, and we may congratulate ourselves upon having a Government which can support the rights and interests of the people of Canada with fitting dignity and firmness. We must all feel that it is desirable to unite with the people of Great Britain in maintaining as friendly relations as possible with the people of the United States, compatible, of course, with the dignity of our own country and the welfare of our own citizens. We are two nations, on each side of the Atlantic, numbering upwards of 100,000,000 people, speaking the English language, and in the near future we may reasonably expect that the two nations will number 150,000,000 of people, who are imbued with the same sentiments and principles of civilization, and whose co-operation cannot fail to exercise a beneficial influence in attaining a

higher plane of civilization in the world, the foundations of which shall be peace and good will. We cannot shut our eyes to the fact that our position in the British Empire is a guarantee that the integrity of the country will be maintained and the welfare of its citizens promoted wherever their enterprise may lead them, and we may all hope and trust that the ties which bind us to the British Empire may be tightened rather than loosened in the future history of the country.

It is very gratifying indeed to find that the Government are thoroughly in advance of the public in everything that adds to the material welfare of the people themselves. We find our Government instituting, all over the country, experimental farms for the promotion of agriculture; we find a Labor Commission appointed for the purpose of ascertaining what is needed for the industrious population of the Dominion, and now we learn that they have been quietly ascertaining, through a Commission sent to Europe, the best methods of curing fish, and thus contributing very materially to the success of that important industry upon our Pacific and our Atlantic coasts. It will be a great advantage indeed to the fishermen of this country to have the difficulties which surround the administration of the rights of the Dominion in its foreshores, harbors, lakes and rivers settled by defining the limits of the administration between the Dominion Government and the Provinces. It is a question that has been surrounded with a great deal of difficulty, and there is no doubt that it will be many years before the constitutional limits between the Dominion and the Provinces will be thoroughly defined. It is important, as time goes on, that they should be clearly and definitely understood.

The Speech tells us that the Government has concluded the work of the Labor Commission, and that legislation will be introduced for the purpose of improving the administration of laws affecting the laboring classes. The question is one of great importance: I think that the fullest opportunity should be given to the laboring classes to co-operate for the protection of their interests, and that the laws should take that form which will tend to educate the laboring population to the responsibility of assuming that position. We witnessed a short time ago one of the greatest efforts ever made in the history of the world by laboring classes for the protection and promotion of their own interests. I refer to the great strike of the dock yard laborers in London. They were supported by public opinion in that instance, because their demands were just. Their strike was eminently successful, for whenever a cause is right and just it receives the support of public opinion. It is worthy of observation, in view of the history of that strike, that the desire of the laboring classes for shorter hours of labor was not so much that they should gain recreation as that there should be a fairer division of the work that had to be done—that it should be more divided up where the laboring population was so excessively large. It is worthy of note, so far as our laboring classes are concerned, because in a new country like this, where we are launching out into the world of manufactures through our National Policy, it is not desirable that the interests of the public should be checked by shortening the hours of labor to any extent. Canada has been brought to the fair position that she occupies by excessively hard work on the part of those who came here and laid the foundations of the country, and who have been building it up ever since, and there is an immense field yet open to everyone who comes to this country or who is now laboring in it. I do not think that it is the part of wisdom altogether, as I have observed it has been the effort in the past, to restrict immigration or to interfere with the work of philanthropy in order to keep laborers out of this country in the interests of our own laboring population, because we have an enormous field from one end of Canada to the other where an industrial population can find work of some kind or other. If there is an idle man in the eastern part of Canada all he has to do is to go to the west and work for himself, where he becomes an independent laborer in the field of industry.

The subject of our banking institutions is to be brought before Parliament this Session, in connection with the measure for renewing the charters of banks. I would take this opportunity of giving one small bit of financial experience that I have had with regard to the banks: our country is very large, and we have local banks in various parts of it. My experience has been that bills which are issued in one part of the country are not payable in other parts

of the country at their face value—that they are subject to a discount. I would take this opportunity of expressing the hope that when the new Bank Act is brought up provision will be made for the payment of all bank notes at par in every part of the country.

In reference to the paragraphs relating to the North-West Territories, my hon. colleague from Calgary will dwell upon those matters. I think myself that it would be wiser for the North-West Territories to move slowly in the direction of provincial autonomy, that the co operation of the Dominion Government with the people who are located there in the administration of the affairs of that country is of great value and will be of great assistance in developing the resources that are so largely in their infancy at the present time. I see, also, that it is proposed to bring down a Bill to increase the efficiency of the North-West Mounted Police. I think it is worth considering whether the time has not arrived when the efficiency of the North-West Mounted Police would be best promoted by its gradual incorporation into the Militia system of the country. I may be pardoned for expressing such an opinion on account of being military man and having great faith in the organization to which I have been so many years attached. Undoubtedly the Mounted Police have done valuable service to the country in the past. When the Force was first instituted it combined the administration of the affairs of the country with the protection of the people. Now that the country is settled up, it is fair to consider whether the occasion will not soon arise to identify the Police Force somewhat with the Militia system of the country.

I feel pleased, as a settler from the North-West Territories, to be able to say that the progress that those Territories are making is eminently satisfactory, although we have had difficulties to contend with, especially during the last year. Owing to the drought of last summer many parts of the Province of Manitoba have been severely visited, and there has been a dearth of coarse grains and of hay which has affected the interests of a large number of the settlers; but notwithstanding the difficulties which some districts have experienced the past season, the general results, so far as exports of wheat are concerned, have been fully maintained, as compared with the previous years. We have the satisfaction of knowing that there are so many varieties of agriculture in the North-West, such as breaking, back-setting, summer-fallowing, volunteer-crops, and others, that it is hard if a season comes that will entirely destroy our crop. That has been the case this year, and while some districts have been injuriously affected, the general results have been good.

I have to thank this honorable House for the patience they have shown in listening to my remarks, and hope that I shall have an opportunity to discuss the merits and advantages of our great western country and to point out the many benefits that will accrue to the Dominion of Canada from the speedy development of our prairie country and the success and prosperity of its settlers.

HON. Mr. LOUGHEED—I am very much pleased to have the honor of being selected to second an Address containing reference to so many matters of public importance, measures which I am satisfied will receive the hearty support and approval of the country at large. I hope it will be considered pardonable on my part by this honorable House if I manifest a somewhat deeper interest, and touch rather more lengthily upon those questions in the Address referring to North-West matters than on those of a more general character affecting the country at large. Though questions of public policy are always of deep interest to the people of the North-West, yet those matters of vital importance which particularly affect that country very naturally receive a more absorbing attention than subjects of a general character. It is therefore with great pleasure I see a reference made by His Excellency to the importance of the extended trip made by him during the autumn season through the North-West Territories and British Columbia. The experience and knowledge gained by the observations of His Excellency on that occasion, I am satisfied, will prove of incalculable benefit to the settlement and development of the country, by the exercise of the great influence which His Excellency may use in the political and social world of Great Britain, in which His Excellency occupies so important and distinguished a position. The warm and

loyal welcome greetings extended to His Excellency in that country, I am satisfied, were of such a character as to justify him in coming to the conclusion that throughout no part of Her Majesty's colonial possessions are hearts that beat more true and loyal to the Crown of Great Britain than those of that people now laying the foundation of a greater Britain on the vast plains of the North-West.

Satisfaction is expressed in the Address at the evidences of settlement which are apparent in that country. I may indulge in the hope, at this juncture, that the Government of the Dominion will yet see its way to the adoption of an exceptionally vigorous immigration policy, which will be commensurate with the resources of our country. I am satisfied it is difficult to secure such a volume of immigration as will be adequate to the settlement of the country, by reason of the American Government, the South American Republics and the Australasian Governments expending such vast sums of money towards turning the tide of European immigration to their respective shores. Yet, I would venture the opinion that the adoption by the Dominion Government of an immigration policy equally vigorous to that adopted by other nations upon this continent would receive the endorsation and support of the Dominion at large, even though it might necessitate the negotiation of a new loan for the more affectual carrying out of that object. It is unnecessary for me to say, because it has been reiterated for years, that our North-West country possesses every inducement for immigration. Using almost the language contained in the Address, we have there incomparable agricultural capabilities ; our mountains, our plains and our rivers teem with mineral wealth ; our grazing lands, in the production of nutritious grasses, are unequalled on the continent, our climatic conditions are most favorable, and these, with other natural advantages, when developed, I am satisfied will eventually result in making that country the dominant portion of this Dominion.

Satisfaction is expressed in the Address at the signs of progress which are there evident. Cities and towns are springing into life where a short time ago lay but silent plains. We find marts of commerce making a chain over the length of that vast Territory; we find industries being gradually established. The plough of the settler is turning the virgin soil in all directions, and now railroads are beginning to precede settlement and are becoming the pioneers of settlement and civilization. This measure of growth in what I might term the last decade of years is a subject for particular pride and satisfaction. It manifests the energy and pluck of Canadian enterprise; it suggests the great possibilities which may be accomplished by the efforts of a united people. Reference is made in the Address to a measure which is calculated to affect the administration of government in the North-West Territories. I find that in the Eastern Provinces misapprehension appears to exist to some extent in respect to what the people of the Territories required and to the slight friction which has recently occurred between the North-West Assembly and the Lieutenant Governor. The opinion appears to prevail that the Territories require all that economy of government which pertains to the Provinces ; but I may safely say that the people and the press of the Territories have expressed themselves as rather contrary to the introduction of an elaborate system of government, but require a rather more extended measure of responsible government than they at present enjoy. Heretofore, there has not been upon our Statute Book any provision whereby the Federal fund could be dealt with by the Local Assembly. The Territorial Fund alone could be dealt with by the Assembly. The Lieutenant Governor, on assuming office in 1888, appeared to labor under the impression that he could submit to the vote of the House the Federal fund. It was afterwards ascertained by His Honor that the Statute did not permit the submission of the fund to the Local Assembly; consequently the concession, or what appeared to be a concession in 1888, was asked for in 1889 by the Local Assembly. The Assembly appeared to ignore the fact that it was not within the discretion of the Lieutenant Governor to submit the Federal fund for their vote, inasmuch as there was a statutory provision providing that he should not do it, but placing it in the hands of the Executive here. Hence arose the difficulty to which some attention has been given within the last few months. I apprehend that the measure foreshadowed in the Address is calculated to

deal to some extent with this matter. It has always been a matter of very great satisfaction to the people of the Territories that Session after Session of the Dominion Parliament has found very advanced legislation placed upon our Statute Books to meet the growing wants and requirements and advanced views of the people of the Territories. Hence, I venture the opinion that the action of the North-West Council has been the result of that impatient desire towards a restless progression which is often so characteristic of the whole of western movements. I may state to hon. gentlemen that the situation is not at all serious, and can assuredly express the opinion that a moderate consideration of the problem will result in a satisfactory solution of the difficulty as foreshadowed in the Address.

His Excellency has intimated that the work of the Labor Commission appointed by royal commission to make inquiries touching the laboring classes promises to be productive of results which will be felt and appreciated by the laboring classes throughout the Dominion. Few questions of recent years have received greater prominence and attention from the leading Governments of Europe and America than the adoption of the best means for the improvement of the conditions of the working classes, particularly so far as legislation can touch the question. Particularly on this continent, where the spirit of democracy enters into and largely controls our national institutions, thus permitting the laboring classes to make their impress felt in moulding our national character, it becomes highly desirable on the part of the State to remove many of the abuses of which they have been the victims, and to conserve those rights to which they are intitled but often deprived by combinations of capital, with which the laboring classes cannot successfully combat. All legislation in this direction invariably leads to the higher education of the masses and to an improvement of their conditions, which afterwards finds its reflex in our own national institutions. Universal suffrage has now entered so very largely into government, and has been so recognized by the State, and so fully exercised by the masses, that practically government is very largely in their hands, so that it becomes incumbent and imperative upon the Government to adopt every possible method—to enact wise and salutary laws for the improvement of that important part of the community known as the laboring classes. It is also a matter of very great satisfaction and relief to the public mind that the Behring Sea question at last is to receive that attention which is calculated to quiet public apprehension in respect to it. The public mind on this side of the international boundary line for some years past has been strung to a very high tension upon this subject. During the period of unwarranted interference by the United States with our rights, had not wise counsels and discrete deliberations prevailed on the part of our people and Governments, very serious consequences might have arisen under the affronts and provocations suffered by our sealers on the high seas. For more than three years our rights have been unjustifiably invaded by the United States Government; our sealers have been captured and their cargoes seized in a most piratical manner, and this by a nation which, previous to the acquisition of Alaska, denounced in the very strongest terms the assumptions and pretentions of Russia towards exclusive jurisdiction over that sea. We find that same nation, previous to the cession of Alaska, successfully combating the pretentions of Russia, and for fifty years previous to their acquisition of that territory enjoying all the rights thereon to the high sea. Yet after the cession we find that same nation for more than three years pursuing a course so inconsistent, contradictory and fillibustering in character as to entirely exceed the autocratic policy of Russia, when the Czar, in 1821, issued his Ukase claiming entire jurisdiction over that sea and excluding all vessels from rights within 100 miles of the shore. Now I ask what ground has been urged by the United States for the unjustifiable course pursued? We find in 1887 the United States Government, admitting the error into which they had fallen, by the issuance of an Order of President Cleveland for the discontinuance of those seizures; but we find the United States Government entirely ignoring that Order and continuing the seizures up to last season.

There has been among the other great powers no such staunch or vigorous defenders of the equal rights of all nations on the high seas for all lawful purposes of

commerce, navigation, fishing and hunting as the United States. In fact, this principle has become well recognized by all the nations outside the three-mile limit, except where expressly limited by treaty. We find the United States asserting most emphatically their right to fish in Canadian waters outside the three-mile limit during that time. No vindication has been made by the Government in regard to the course they have unwarrantably taken, they have never seriously contended that the Behring Sea was a closed sea; geographical facts are indisputable on this point, and such a contention would be looked upon as ridiculous; therefore, I say it is a matter of satisfaction and relief to the public mind to be assured in His Excellency's Speech that there will be so speedy a settlement of this question as to obviate the necessity of this Dominion requesting the Imperial authorities to exercise that power—that physical power if necessary—to prevent a further invasion of those rights to which we are entitled, and which we will ever assert.

I notice there are other questions in the Address of a special character, which will undoubtedly receive the best consideration of this House, the discussion of which I will not enter into on this occasion. Permit me, in conclusion, to indulge the hope that the prosperity which to-day crowns our common country will increase as the years roll on, so that the name of Canada will become proverbial amongst the nations for progress, prosperity and happiness. I have great pleasure in seconding the resolution in reply to His Excellency's most gracious Speech.

HON. MR. SCOTT—The gentlemen that have been selected by the Government of this country or by the leader of this House to move and second the Address in answer to the Speech from the Throne have performed their part with very great credit to themselves, and I am quite sure I speak the sentiments of the Senate when I say that these gentlemen have discharged their duty with much more ability than is usually exhibited on similar occasions. They have spoken with very great point and force on the subject matters with which they are specially conversant. The attention of this country has been for many years called particularly to the newer portions of our Dominion—Manitoba and the North-West. Very great hope and confidence in the return we would receive from that country and the great development that was to take place there have for a long time been experienced. I am glad that two gentlemen, one coming from Manitoba and the other from a distant portion of the Territories, are so familiar with the many questions which are of intense interest at the present moment in discussing subjects germane to the great North-West, and I hope this House will hear their voices very frequently when matters affecting that part of the Dominion come up for discussion here. I share with the mover and seconder the sentiments which they have expressed with reference to His Excellency's visit to the North-West and to the Pacific coast, and I have no doubt we shall be largely benefited by the utterances which His Excellency has already given expression to, and by the future references he will make on many public occasions, when the opportunity offers, to give his views of the capabilities of that country. We know that testimony of that kind is far more valuable than any other that can be conveyed, particularly to those whose good opinion we desire to entertain.

I recognize a very unusual paragraph here, somewhat of a belligerent one—the third paragraph in the Speech—that is, the announcement that negotiations are on foot which will lead to the removal of the differences which have been raised in reference to the Behring Sea outrages. I was very glad indeed to hear the seconder of the Address speak on the subject. He is perfectly familiar with the history of the events which have preceded those of the last few years, and he has very clearly told us that before the acquisition of Alaska by the United States that country not only questioned, but refused to concede the right of Russia to the possession of the fisheries outside of the ordinary three mile limit, though very shortly after the United States acquired that territory she herself set up just such rights. The paragraph introduced in the Speech would lead one to believe that the seizures were of recent date; but we all know that they have been going on for nearly four years. I think it was in 1886 that the first seizures were made by American cruisers in those waters, and the remonstrance by this Government passed through Mr. West's

hands at Washington to Secretary Bayard, and to the British Ministry, and that correspondence has continued down to the present moment. I may say that I have as little hope of seeing that question settled now as I had four years ago. One cannot help calling attention to the marked contrast that has attended the result of other negotiations between the two countries. Some twenty-eight years ago two American gentlemen were forcibly taken off a British mail steamer going from the West Indies to an English port by an American cruiser. I refer to the Masson and Slidell affair. Immediately after the outrage Great Britain came down on the United States and ordered that those men should be restored. That was an outrage of far less importance than seizures in after years of Canadian vessels in waters that the Canadians and other nations of the world have just as good a right to occupy as the United States. They might with the same propriety have seized vessels in the middle of the Atlantic; yet this has been going on with impunity for the last four years, in consequence of our inability to act for ourselves, everything having to be filtered through the British Minister at Washington; and we are just in the same position now that we were in four years ago. Again, it was only a few months ago that the little country of Portugal undertook to interfere with British rights on the coast of Africa, and how soon Lord Salisbury brought them to book, and Portugal was asked to make amends. But how different is the conduct of Great Britain towards the United States in her treatment of Canada? It has been one continuous history of wrong going on and increasing year by year. We are a loyal people, we are a forbearing people; but surely it is not quite proper and right that this should continue indefinitely, and that we should be so entirely ignored by the British Government? What deduction does one naturally draw from it? Why, that the friendship of the United States is of such importance to England that Canada must be sacrificed rather than any little friction should arise between Great Britain and the Republic. Great Britain to-day has the United States for her best customer. She buys their natural products, and she sells them the products of her looms and her furnaces. She does the largest portion of the carrying trade of the United States. She builds their railroads and their steamboats and provides money for their private enterprises. British capital is buying up their breweries and their elevators, and every enterprise in the United States finds a ready investment for British capital. One cannot help calling attention to these points and feeling that at this moment Canada is not receiving from the British Crown the attention which her loyalty to the Empire has a right to expect. From my standpoint, and I was very glad to hear the seconder of the Address calling attention to it, it is of the utmost importance to us that there should be a solid and a long and lasting friendship between our people and the people of the United States. Are not our people of the same language, carrying on the same business and accustomed to the same modes of living, with only an imaginary line of 4,000 miles between us? The people of both countries, I believe, are willing under any ordinary circumstances to live on most friendly terms with each other, but those friendly relations cannot be maintained unless we remove the fiscal laws on either side and have freer trade with our neighbors. I would like to ask hon. gentlemen, if their loyalty would permit them, whether they would not say that their natural trade was to the south of us, and that the development of the North-West would proceed with very much greater rapidity if they were enabled to trade freely with the people south of the line? It would not affect their loyalty to the Mother Country in any degree; on the contrary, it would make them more devoted to the institutions of their own land. It in no way affects a man's feeling for his own country that he is permitted to trade freely with a neighboring nation. What has built up the Mother Country so enormously within the last few years but the simple fact that she trades with the world. England has become the trade centre of the world; money has centered there, simply because she has herself established free trade with the universe. I notice that, as a rule, there are commissions expected or to be appointed; a commission is to be appointed, I understand, to proceed abroad to gather opinions and views as to the methods of catching, curing and packing fish. Now, I thought we had as intelligent fishermen on our coasts as there are anywhere on the globe.

I always thought that they were second to none in the world. I doubt if there are any points that can be given to them by the fishermen of Holland, Scotland or any other country in Europe. It would be a much greater advantage to our fishermen if we would give them a free market for their fish—if we could obtain access for their fish to the markets of the United States, where the greater portion of their fish now goes, under serious difficulties. We should then be conferring a much greater advantage upon them. I notice that a number of Bills are to be introduced this Session, having, no doubt, a practical end in view. I would suggest to the leader of the House whether it might not be well to introduce some of those measures in this Chamber. It would give the Senate an opportunity to proceed at once to business, and relieve us from the excuse that naturally arises of having an adjournment because we have no business to do during the early part of the Session. There are several Bills that might properly be considered in the Senate, when we have ample time and opportunity to give them full consideration. I hope that the suggestion will be taken by the leader of the House, and that we shall be advised that some of these measures which are alluded to will be introduced here, in order that we may proceed to the consideration of them without delay.

HON. MR. ARMAND (in French). At the commencement of the debate on the Speech of His Excellency I desire to be just —to give to Cæsar what belongs to Cæsar. I must in the first place congratulate the Government in having called Parliament to meet at a time which is so suitable to most of the members. It is to be presumed that they will hasten the work of the Session in order that those members who are engaged in commercial or agricultural pursuits may be able to leave in time to attend to their various occupations, in order to contribute to the material prosperity of their respective Provinces and of the Dominion in general; for you know, gentlemen, that the prosperity of the Province makes the prosperity of the Dominion, and that the prosperity of the Dominion makes the prosperity of the Provinces. We are proud —we are happy to see that the Governments of the Provinces, as well as the Government of the Dominion, understand that agriculture and commerce are the basis on which society rests—the two most powerful levers of the prosperity of our people. They are, if I may so express myself, the *deux sœurs boîteuses* who cannot walk the one without the other. Yes; we are proud; we are happy to see that the Government of the Dominion and the Governments of the Provinces understand well the truth of Mentor's saying to Telemachus, "that the more frequent the communications between nations the greater will be the prosperity of the people." As a proof of what I say, were there nothing else in the Speech from the Throne in the present Session of the Parliament of Quebec but the promise to macadamize the roads of the Province, and to do away with the tolls on the roads and bridges, which are real "Chinese walls" in the way of traffic and business, this item alone augurs well for the future of the Province of Quebec.

Hon. gentlemen, with regard to the new Minister, the present President of the Council, the Government could not have done better than to appoint a gentleman of such probity, who, during the last Session, spoke on the part of his countrymen and co-religionists, the noble-minded Englishmen, the brave Scotchmen, and the sons of the beautiful Green Isle, to proclaim in open Parliament of this Dominion the justice, the liberality of his fellow French-Canadian citizens of the Province of Quebec.

Hon. gentlemen, in regard to the present Minister of the Interior, well would it have been if like his estimable, his intelligent, his active, his laborious predecessor, the late Hon. Mr. White, if he were conscious of his duty, conscious of the dignity of his position; if such were the case, we could hope for justice for the people of the far west, particularly for the poor Métis, for those poor savages, those poor children of nature, whom our so-called civilization harasses and plunders, and which is driving them day after day farther north. I desire to render unto Cæsar what belongs to Cæsar. I wish to congratulate the Government for having, during the vacation which preceded the last Session appointed a special Commission to go to the North-West, to see if the grievances of the Indians were real or imaginary. It is my conviction, if a like commission had been named before the 16th of November, 1885, that disaster which befell the North-West and which cast dark clouds over the horizon of the Confed-

eration, would never have taken place; for a like commission is, if I may so express myself, like the sword of Damocles, which hangs over the head of our employés who may attempt to abuse their trust. Yes, hon. gentlemen, if I were called to give advice to the Government, I would say if they are conscious of their duty, that if they have the instinct of self preservation, they should name for public offices only men who are above questions of sect or caste or party, only men who do not belong to any of those secret societies which are the nightmare of Governments; for with some exceptions, to see them and to hear them, one would say that we are not, as they, called to breathe the same air, to drink the same water, to nourish ourselves on the products of the same soil. I know, hon. gentlemen, that in certain questions of detail there can, and there ought to be some diversity of opinion, such as we cannot exchange, but at the same time not of such a kind as would prevent use from walking arm in arm or prevent us all acting everywhere but as one man, or what we call in common *parlance*, each putting a little water in his own wine. If it were not so, there would not be in any of the parties a spark of that patriotism which shone with such lustre in the ancient citizens of Rome and Carthage. If it were so, I could predict, I could assure both to the governed and to those who govern happy days, days of prosperity, of glory and contentment. Hon. gentlemen, shall I speak of Imperial Federation, for which the present High Commissioner of the Government has just accepted an honorable position in London, perhaps also one more or less lucrative. With regard to this question: Hon. gentlemen, I ought to make you acquainted with my surprise; first, in the Session before the last, I was much astonished to see the young son of the ex-Minister of Finance, who sits in the Commons, near the Ministerial benches, leave the capital of the Dominion to go to advocate in the capital of Ontario the cause of the partisans of Imperial Federation, and that against the clearly expressed ideas of his illustrious father, in a speech which he delivered in London before finishing his first term as High Commissioner of the Dominion to return to take the office of Minister of Finance. Since then I have been surprised to learn from the London journals that the present High Commissioner of the Canadian Government, on arriving in London to begin his second term, had delivered a speech *quasi* against and *quasi* in favor of Imperial Federation. Then, I said: Is it possible that Sir Charles Tupper yielded to the favors of Albion's influence, or, rather, it may be that the perfidious advice that Lord Durham gave to England in his pamphlet with regard to his sojourn in Canada could be applied to him? No; I do not believe it; and if ever Sir Charles Tupper did become the victim of that application, perhaps a little too severe, I have the hope that the muse of history will do for him what it did for the Prince of Muscovy, and that she will engrave on his tomb the same redeeming epitaph: "*Ci gissent vingt-cinq années de gloire et un jour d'erreur.*" But, hon. gentlemen, if I had fears and apprehensions at the sight of some of my own compatriots as well as some fellow citizens of foreign origin, who appear to me disposed to follow the example of those members of the Irish Parliament, who eighty-nine years ago sold their autonomy for a mess of lentils, I have been relieved of all fears by the conduct of the late leader of the Opposition in the House of Commons, the Hon. Mr. Blake, who peremptorily refused to speak in favor of Imperial Federation, and also by the conduct of the leader of the Ontario Government, that faithful guardian, the father of the provincial autonomy of the Provinces, who, in one of his speeches, which he delivered in London immediately after Sir Charles Tupper, and after that unlucky advocate of our Government, Dalton McCarthy, who for the fourth time had received a castigation before Her Majesty's Privy Council, relative to the violation of provincial rights and privileges, had told them that he could not comprehend, that he could not explain, that he could not conceive how Canadians, who aspired to the greatest liberty, would bury those which they already possess in Imperial Federation. Then he said to the unhappy advocate of the Government, Dalton McCarthy, that the title of colonel of a Canadian regiment had nothing humiliating in it, but that on the contrary it was desirable, that to him it was an enviable title, and that he would consider it more glorious to become the First Minister of the Dominion than to be President of the United States. But hon.

gentlemen, what appears to me acceptable, what appears capable of being realized, for which I feel it a duty to address and to engage my fellow citizens to try to realize, is this proposition which was made to us during the recess which preceded the last Session of Parliament by men of foresight, and thoughtful men, men of judgment, men who occupy in England positions of high social standing. The proposition is this: Let us have the right to make our own treaties of commerce with foreign nations. These hon. gentlemen seem to say to us: While you can profit by the advice and services of our ambassadors, of our consuls for the maintenance of whom you will have nothing to pay, would you, when you could make treaties of commerce with foreign nations, pay us 10 per. cent. we, on our part, when you would make your treaties of commerce with us in preference to other nations, would promise to pay the 10 per. cent. Very well, gentlemen, I understand since our immense country leaves us nothing to desire from our intelligent and industrious neighbors, I can assure the Mother Country that as long as she will be true to her plighted faith, as long as she will be faithful to us, to protect and preserve that which was guaranteed by treaty, we and our successors will be faithful to our allegiance. Let us repeat it, and we will repeat without ceasing that saying of our ancestors so loyal, so sincere, that the last sound of the cannon shall be heard from the French Canadians in defense of England's supremacy. I am persuaded the sons of Ireland, that beautiful gem of the sea, would be found the most loyal of citizens if the Government of Lord Salisbury would give to Ireland such autonomy, such Home Rule as is given to all England's colonies. If the Government of Lord Salisbury would do towards indemnifying the landlords what the Government of Sir George Cartier did to indemnify the *seigneurs*, to banish feudalism from Canada; if he were to do what was done to secularize the clergy reserves in Ontario, then we would see happiness in Ireland. Then Irishmen would do towards preserving for England her colonies, on which the sun never sets, that which their fathers did to acquire them. For no one is ignorant of the fact that England made her conquests with the blood of the soldiers of Ireland. The great wish throughout the long life of one of England's greatest men, either ancient or modern, is to see this realized. Yes, Gladstone sighs for the moment when the opportunity will be given to him to dispel forever that sombre cloud that has hung so long over the brilliant, the glorious and the powerful empire of our august, and gracious, well beloved sovereign, Empress of India,—an empire which, while it went hand in hand with its natural ally, France, has astonished the world with victories and has caused nations to tremble for their fate. Such we saw in the Crimea at the battles of Balaklava, Inkerman, Alma and in the taking of Sebastopol. The Russians fled before the allied armies as formerly the Scythians fled before Alexander, or later as they fled before Napoleon when he entered Moscow by the light of their city in flames. I now conclude, hon. gentlemen; but in taking my seat I seem to hear the partisans of Lord Salisbury say what was said to me once by an excellent Governor of the Dominion: "It is true," said he, "but remember well that it would require a very large sum to buy out the landlords." "It is very true," I replied, "but remember also it requires large sums to govern and pacify Ireland, and you make of those people who are scattered to all parts of the world irreconcilable enemies, who at every hour of the day and night may be a *casus belli* in one or the other of your numerous and immense colonies."

HON. MR. POWER—I cordially endorse what has been said by the hon. gentleman from Ottawa with regard to the mover and seconder of the Address in reply to the Speech from His Excellency. I shall not undertake to congratulate those two hon. gentlemen; but I congratulate the House. I think that those two hon. gentlemen form a very valuable addition indeed to the debating power of this House, and I have no doubt that we shall hear from them frequently in the future. I may be allowed to say that if the Government continue to appoint gentlemen of their character the Senate will hereafter probably be looked upon as a somewhat livelier body than it occasionally has been called in the past. I naturally concur, too, in the expression of gratification at the fact that His Excellency the Governor General has followed the examples of his distinguished predecessors and traversed the country between this and the

Pacific Ocean. It is well that that should be done by the representative of the Queen here; because, although one may hear and read a great deal as to the extent of the country and its varied resources, one realizes them very much more distinctly and fully when one sees them for himself; and, when gentlemen such as our Governors General have thoroughly learned what the character of this country is, and what its resources are, that information gradually filters down through the somewhat dense mass of British intelligence. I say that not in an offensive sense, because everyone knows that the British intellect is very conservative, and takes in new ideas very slowly; and the idea of Canada which permeated the British mind some years ago was that it was altogether a country somewhat like Labrador: and that idea having got possession of the conservative English mind, it takes a good many years to remove it, and there is almost nothing better calculated to remove it than the statements of gentlemen like our Governors General. I notice that, in speaking of his visit to our western regions, His Excellency says that the comparison of his observations with those of his predecessors shows clearly the great progress which has marked that part of the Dominion in the settlement of the country and in the development of its great agricultural capabilities, of its mineral wealth and of its other natural resources.

I am not aware that there has been any great development of the mineral resources of our western country—nothing very remarkable, and I may say that, for myself, my feeling with respect to Manitoba and the North-West Territories is one of disappointment. I think that the natural expectations entertained some years ago have not been realized. I cannot say that the North-West country has not made progress, and very considerable progress; but it has not advanced as I think it ought to have advanced, and as it would have advanced if it had been better administered. I appeal on that subject to an authority which the great majority of the members of this House recognize as a good one. It is now about nine years since the present leader of the Government informed us that by the year 1890 Manitoba and the North-West would by the surplus returns from the sale of lands, have paid the whole cost of the Canadian Pacific Railway, in addition, I think, to paying the cost of administering the lands. That right hon. gentleman was regarded by hon. members of this House as a prophet, but I think in this case his prophecy has failed utterly. His judgment is reputed to be sound; if so, then his prophecy has proved false, simply because his Government has not administered the affairs of the country properly. Another eminent authority, a late Finance Minister, made a somewhat similar statement about the year 1882. It is not necessary to rest solely upon prophecy or statements made in advance: we can compare the progress of our North-West with that of some of the neighboring Stetes. I do not think that any hon. gentleman here will deny that the natural resources of Manitoba are very considerably superior to those of Dakota; but the increase in the population of Dakota has been of late years something out of all proportion to the increase in Manitoba. When one considers that this country has spent within the last twenty years about $100,000,000 upon that North-West country, he cannot but feel that the development of the country and the increase of population there have not been what we should have expected. The hon. gentleman who seconded the Address proposed to remedy the existing state of things by a vigorous immigration policy. We have had, in former years, vigorous policies in that department—that is, the policies were vigorous to the extent of spending considerable sums of money, but they were not successful in bringing a desirable class of immigrants to the country. I notice that the hon. gentleman who moved the Address said he did not think it was judicious to discourage immigration into this country. No one has ever discouraged the immigration of a desirable class; but, if the hon. gentleman stopped to think, would he recommend the Government of this country to aid in bringing to Canada the off-scourings of European cities. Those are not the kind of settlers that we want to put on the prairies of the North-West; and if they were placed there they would not stay very long. We want immigration, but immigration of a proper character. I am rather surprised that the hon. gentleman from Calgary, when speaking of this matter of immigration to the North-West, did not call attention to the fact that, while the Canadian Pacific

Railway Company have received from Canada favors such as no railway company have ever received from any other Government in the world, that company have done almost nothing in the way of promoting immigration, and that in the State of Dakota and other neighboring States of the Republic the immigration is brought about, not by the Government, but by the railway companies. Here is a railway company with immense resources, receiving unparalleled favors from the Government, and they have practically done very little indeed in the way of promoting immigration. I think that the attention of the Government might be very well turned by that hon. gentleman and their other supporters from that part of the country to the desirability of taking some steps to induce the Canadian Pacific Railway Company to bestir themselves more than they have in the past towards introducing a desirable class of immigrants into that part of the country. No doubt the North-West will be peopled before very long: for one reason, that the greater part of the desirable land in the neighboring country has been taken up, and the only large tracts of good land left on the continent will be in Canada, so that the country must necessarily be settled before very long. There was another idea which occurred to me that the hon. gentleman from Calgary might have suggested. We have representing us in London a gentleman whose ability and energy it would be hard to over-estimate, and of whom hon. gentlemen are very fond of boasting. Now, one would suppose that that gentleman, with his great energy and ability, would have been able to do something, during all these years during which he has filled the office of High Commissioner in London, towards directing a stream of desirable immigration into our North-West, a country which is panting for immigration of that character. I do not know why it is that that result has not been brought about, unless it has been that the High Commissioner has been occupied during all the time that he has been able to spare from business on this side of the water in negotiating a commercial treaty with Spain. Ever since about the year 1883 this commercial treaty with Spain, according to the newspapers, has been occupying the earnest attention of the High Commissioner. Perhaps if we have to wait for immigration to the North-West until the High Commissioner has negotiated that treaty I may be nearly as grey as my oldest brother member. I hope that some substantial foundation exists for the congratulatory tone of the paragraph with reference to the Behring's Sea seizures. I do not propose to repeat what has been said on that subject, but I do wish to call attention to the fact the language of this paragraph is very guarded. The hope expressed is of a very indefinite and not very positive character. His Excellency says that he feels confident that the representations already made will have due weight, and he trusts that he may be enabled during the present Session to assure us that all differences on this question are in the course of satisfactory adjustment. His Excellency does not assure us that they are now in the course of satisfactory adjustment, but that he hopes they will be. We have been in that state of hope, as the hon. member from Ottawa has said, for the last four years; and we have not yet begun to enter into the fruition of our hopes. I could not help being struck with the great contrast between the manners in which England has dealt with the United States and with Portugal.

It would be a marvellous thing nowadays to find a Speech from the Throne in which we were not told something about the appointment of a commission. I find this time the Government have been appointing one to inquire into the methods of catching, curing and packing fish in Holland and Scotland. I do not quite agree with the hon. member from Ottawa in thinking that our fishermen know all about it. At any rate, there is perhaps something which they may learn; and there may be some room for improvement in their methods, not perhaps of catching so much as of curing and packing fish. I see that the Commissioners have already acted: the hon. gentleman from Ottawa appeared to be under the impression that they were only about being appointed; but they have been appointed and have made their report. I hope that there will be some practical result to follow from their inquiries. It is doubtful whether those commissions are the best method of acquiring information. Commissions have been appointed in England and other countries with a view of investi-

gating this subject of fishing, and those commissions have made careful and elaborate reports, which I presume are in our Library; and I have an impression that the Government will get about as much information out of those reports as they will from the report of their own Commissioners.

The next paragraph of the Speech declares that it is the intention of the Government to submit a measure with regard to the rights of the Dominion in its foreshores, harbors, lakes and rivers, for the purpose of removing uncertainty as to the respective rights of the Dominion and of the Provinces, and for preventing confusion in the titles thereto. It would be a most desirable thing that all confusion with respect to the titles of the Dominion and the Provinces in these foreshores and waters should be removed; but I fail to see how any measure which emanates from the Dominion Parliament can settle the questions which have arisen. The difficulties with respect to these matters arise under the construction of the British North America Act. The provincial authorities construe the Act in one way and the Dominion authorities construe it in another way; and how a measure passed by this Parliament can materially affect the position I cannot see. The more desirable way would be first to try and secure a decision by the highest tribunals as to the respective rights of the Dominion and Provinces, and then, having got that decision, legislate so as to carry it out; but I fail to see how one party to a litigation can, by passing a resolution or, as in the present instance, a statute, settle the question. The other party can pass an Act settling it the other way; and in the end the question has to be settled by the Privy Council, and the better way would be to settle it there first. I must say that, as regards lands on the sea shore, convenience, cheapness and speed of transacting business are all in favor of leaving those matters in the hands of the provincial Governments, where, until very recently, they were left without any question.

As to the Labor Commission, I have very little to say. I hope that the measure which the Government proposes to introduce in pursuance of the report of the Commission may be of a better character than one of the measures passed here last year, in which a provision was inserted curtailing to a considerable extent the privileges of trades unions. Probably one of the most important paragraphs in the Speech is that which deals with the banking Act. I hope sincerely, and with some confidence, that in dealing with this important matter the Government will act wisely; that while they act in such a way as to guarantee the security of the public, they will do it without locking up too much of the capital of the country.

I am glad to see that the Government propose to do something more for the North-West Territories, in addition to the legislation of former Sessions. The members of the Opposition here and in another place have at different times called attention to the unsatisfactory and piecemeal way in which the Government were doling out self-government to the people of the North-West Territories; and I trust that the occurrences of the past few months will lead them to go a little further than they have heretofore gone, and to let the people of the North-West Territories have true representative government and not sham representative government, as it has been in the past. I hope also that when the measure with respect to the North-West Territories is before Parliament the Government will be good enough to provide that the list of voters in the North-Territories shall not be made up in the manner in which they have been made up hitherto; that the lists will represent the real manhood of that country.

I am pleased to see that the Government propose to go on with a measure respecting the bills of exchange and promissory notes, which, I presume, is practically the same measure as was introduced last year. It is very desirable that the law on that subject should be codified, and the Government cannot do better than to take the existing English law, with possibly a few modifications.

With repect to the Adulteration Act, I hope that the leaders of the House will be able to inform us that the Government propose, having already the means of finding out where adulteration takes place, and to what extent, to impose penalties for those acts of adulteration. It may be in one sense satisfactory to know how much poison is put into our food; but while the people who do that are allowed to go on doing it, without suffering any

penalty, the satisfaction is not as unmixed as it might be.

I notice one little paragraph in the Speech which I suppose will lead to some discussion by-and-by, to the effect that the Government propose to provide for the better organization of the National Printing Establishment. This establishment, under certain auspices, might perhaps have been worth something, and might have resulted in a saving to the country; but inasmuch as it was simply intended and was organized, as was generally understood, for the purpose of giving a very active and energetic Minister, who had little patronage in his department, something like the patronage which he thought his consequence in the Cabinet demanded, the experiment has not turned out a triumphant success. I presume, from the manner in which things are done by the Government, that the princi pal effect of the new measure will be to extend the patronage of the department.

I observe with pleasure that for once the estimates of revenue have been realized —that is, once in the past few years— and that, after having fully provided for the various public services of the country, a substantial surplus will remain. I humbly trust that that surplus has been arrived at in a regular and honest way, and that it has not been arrived at by charging to capital numerous large sums which ought, under any honest system of bookkeeping, to be charged to income.

I find also that this year there is a departure from the usual language in the promise with respect to the Estimates for the coming year. We have heretofore been told that those Estimates will be prepared with a due regard to economy and to the requirements of the public service. This year the due regard to economy is omitted; and we are only told that they will be prepared with a due regard to the requirements of the public service. I do not set myself up as a prophet; but I should be disposed, if I did, to say that the omission of the word "economy" from the paragraph in His Excellency's Speech is a slight indication that we may expect before very long another appeal to the electorate.

HON. MR. HAYTHORNE—I would ask the favor of the House to allow me to make a few observations before the debate is closed. I may say, like those gentlemen who have preceded me, that I have listened with very much pleasure to the speeches of the mover and seconder of this Address. It was a great pleasure to me to see a British uniform in this House, and to know that it was worn by a gentleman who had served Her Majesty in other climes besides Canada.

The Speech of His Excellency, which we have been discussing, is certainly one which comprises a great number of very important paragraphs. Amongst, perhaps, the most important of all, is that which relates to what is now known as the Behring Sea question. That question, if not treated with promptitude and vigor, will inevitably lead to the stamping out of Canadian manhood in this country. If we are to see in future years our vessels—conducting their legitimate business in the open sea, out of sight of land—seized by foreign cruisers and attached, and not even carried before a legal court to be condemned, but made prizes of by their captors, and their cargoes appropriated to the uses of those who did not incur the pains and danger of taking them—I say that if this is to be continued we will find that the manhood of Canada will disappear in the course of a very few generations. There never was a country with a worse case than the United States have upon this occasion. I will venture to say that of all the gentlemen who have spoken in this House on different occasions with regard to our relations with the United States, none have spoken with a greater regard for the preservation of peace with that country than I have myself. I have always believed that there is amongst the people of the United States, especially amongst the more intelligent classes there, a stratum of population decidedly friendly to the English poeple and to English institutions; but unfortunately that class of poeple are less active during election periods than the rougher and more violent classes, and naturally government assumes the character of those who give it the most strenuous and vigorous support. The history of that Territory, as sketched by the hon. gentleman who seconded the Address is, I think, a very instructive one. We know that originally it was in the hands of the Russian Empire, and at a certain period in the earlier part of this century, I think it was in 1820, the Czar issued a Ukase, such as those author-

ities are in the habit of doing. They are all very well for the subjects of the Czar, but will not be submitted to by countries possessed of constitutional government, energetic seamen and pioneers of commerce and fishing and fur-trading. Amongst the most prominent nations of those days were the British people and the United States. It is not necessary for me to refer to the course Great Britain had taken for some years preceding 1820 with regard to the emancipation of Europe generally, but it is quite in place that a nation having taken that stand in Europe should object strongly to the terms of that Russian Ukase. Accordingly, we find that about the year 1825 an Embassador was sent to Russia, partly with the object of arranging terms upon which Russia should stand with the rest of the world as regards Behring Sea, and also to strike a boundary line between the Russian territory of Alaska and that of the North-West Territories, then in the hands of the Hudson Bay Company. That line was drawn. I saw it to-day myself in a map in one of the committee rooms of this House—a map of American issue. There its stands this day. But that was not the sole object of the visit of that Embassy. The Ambassador was instructed to express the dissent of Great Britain to the extraordinary and unusual demand which Russia made upon all the world which frequented Behring Sea. He did so, and before leaving St. Petersburg the Russians had practically resigned all their extraordinary and unusual claims to those waters. The United States were not behind us. The hon. gentleman who seconded the Address gave them full credit for their promptitude and courage—a young nation in those days—in resisting, very properly too, such pretensions as Russia put forward in Behring Sea; but the strangest part of the whole history is, that that very nation which was so unwilling to submit to Russian pretensions is now attempting to urge the very same thing against this young country living on her borders. I do not know that any gentleman in this House is more impressed with the importance of preserving peace between Canada and the United States, and Great Britain and the United States, than myself. I cannot conceive anything which would be more disastrous to the three countries concerned than a war upon some trivial question of that kind, which really has no foundation whatever. Yet, we have found a great reluctance on the part of the authorities of the United States to admit themselves in any degree in the wrong on this question. I have, in reading over papers submitted to Parliament on the subject, found an occasional reference to what has been passing between the Governments of Canada and Great Britain and the Government of the United States upon this subject, and I observe that in the commencement of this correspondence the United States urge that the transactions occurred in a very remote country, were still before their courts, and that they could not, as yet, give the British Government any satisfaction upon them. But the time for excuses of that sort has long since passed by, and we are fairly, as a colony of Great Britain, entitled to something precise and definite upon this question. Either the United States has to abandon her claim to exclusive jurisdiction in Behring Sea, or we are to know that fact and govern ourselves accordingly. I certainly entertain the hope, which I am glad to find the Government and Her Majesty's representative entertain also, that these unfortunate circumstances are now in a fair way to be arranged and settled. But it is quite necessary, I think, that an emphatic opinion should be expressed by members of this Legislature as to the importance of having a final and definite settlement of the question.

I listened with pleasure to the observations of the hon. mover of this Address, and concurred with his views in regard to the importance of furthering the co-operation of labor. I consider myself that unless liberty on that question is fully allowed to the laboring classes that we live in constant danger. That is the remedy against such outbreaks as continental Europe has seen many times in the course of this century. In England they have been of less importance, because more liberty is allowed to all classes there. I have observed, by reference to the public prints in England, that sometimes when the laboring classes of that country meet the laboring classes of the continent and compare notes that the English find they enjoy a greater proportion of true liberty than the French. A French meeting of workingmen before it convenes must receive the

sanction of the municipal authorities. English laborers, provided they make a proper selection of the *locus in quo* are entitled to meet and discuss matters without disturbing the peace. I fear that on some occasions co-operative labor when defeated in its object in securing greater wages and shorter hours has sometimes indulged in violence. Forgetting its own claim for liberty, it has gone the length of refusing it to other men as needy and as much in want as themselves, and willing to take the work which the strikers had abandoned upon similar terms. It will never do in acknowledging or recognizing the right of co-operative labor to strike when it pleases, to prevent other men from taking the same work. It is very true that strikers receive a great deal of public support and sympathy, but it seems to me that to add anything in the form of violence, being in possession of this sympathy and support, would be unnecessary; yet those who have under the law the right to strike, not merely on the docks in England, but in other parts of Great Britain, have resorted on many occasions to force. This is to be deprecated, because it injures the cause of the laborers themselves. If we want a happy and prosperous country all classes must be happy and contented, and that cannot be as long as we have those conflicts between labor and capital. Those men must fully understand that by interrupting the course of trade and preventing the loading and unloading of vessels in the docks, their actions at once destroy the very fund that supports them at other seasons when, as is sometimes the case, the employers themselves are not doing a profitable business.

Some reference has been made to the fisheries, both as to the commission on the improving of the curing of fish, and otherwise. I dare say that the system of curing can be improved in Canada, but there is one thing we want, and that is, we should know more of the natural history of our fish and the causes that tend to their destruction. With more improved ways of destroying them, our fisheries will be rapidly so impoverished that they will not be worth following as an industry. The people of my Province have been holding meetings during the past summer, and have passed resolutions that some restrictions must be placed upon the methods of fishing, or else our valuable fisheries will very soon be things of the past. Mackerel fishing for instance, according to the recent American system of using purse nets and seines, has a very disastrous effect upon the fish and the fishing grounds. I am not myself conversant with the ordinary routine work of the fisheries, but I have conversed with others who are, and from what I have learned I believe the true policy for Canada to pursue in this respect is to close the three-mile limit against nettings of all kinds, and let us reserve the waters inside of the three-mile limit exclusively for line fishing. In that way the fish which would be taken inside of the three-mile line—mackerel particularly—would be of the very first quality, and the waters of the three-mile limit, being shallow, would no longer be poisoned, as they are now in danger of being poisoned by the heaving overboard of the refuse taken up in the seines. The vessels are fitted out for mackerel, and anything but mackerel is to them useless, and is thrown overboard, to the great detriment of the fisheries. It is a question well worth enquiring into, and I believe myself that the salvation of our fisheries consists in that. I am not one of those in favor of carrying out the Treaty of 1818 in its entirety. I believe it was a good treaty in its day, but that day has passed, and it is less beneficial now to the people of my Province. I am not speaking for those of Nova Scotia and New Brunswick, but it does seem to me that to trade with the Americans is far more advantageous to us than it is to exclude them. There was a time when we had in operation treaties admitting Americans into our ports, giving them the same privileges that we enjoy ourselves; there was a time also when they were admitted by license, and during those periods our Province made as great progress in wealth and importance as it has done for years. Why should not those times be restored? I believe if the Americans were admitted to the harbors of the Lower Provinces to obtain ice and bait, and some of the minor items of supplies—transhipment, &c.—that they would set in motion a vast amount of labor which is comparatively unemployed in the winter. For instance, in Prince Edward Island there are sheets of beautiful fresh water well adapted to ice cutting. The population have

not a great deal to do in winter; they have horses and sleighs, and many a man would be glad to have an opportunity of earning $1 a day in storing ice during the winter time. Another item is bait. A man may have a farm near the seaside partly cleared, but not sufficiently to support his family, and if he had the privilege of cutting ice and selling it to the Americans, and also the privilege of taking bait for them, he would add to the resources of his family, and in due time would become a wealthy man. These are considerations which weigh in favor of relaxing the conditions of the Treaty of 1818. I would not abandon that treaty by any means. It is a strong rock of defence for Canada to fall back upon in case of any of those capricious circumstances which we know, to our cost, so often occur in the United States, particularly when elections are at hand, either presidential or congressional. One of the great difficulties we have to contend with, whether it be in connection with Behring's Sea or the fisheries on the Atlantic coast, is the fact of the President and his Ministry not being in touch with the House and with the Senate. Unhappily the Senate possess a power which very often induces them to upset very promising treaties. It is not a new thing by any means. We saw it happen only a few years ago. We were in hopes that our difficulties were in fair course of settlement, but we were disappointed by the action of the United States Senate. I have read recently of an instance of the same kind which occurred during the time when Mr. Rush was Minister to England and Mr. Munroe was President. At that time there was some outstanding grievances between the United States and England. One of them was with reference to the suppression of the slave trade. I suppose the Americans where then, as afterwards, very often indisposed to allow the right of search, and therefore would not permit British cruisers to stop and search their schooners on the coast of Africa, and there was besides a question with regard to trade between the United States and the West Indies, and another question at the same time with regard to the fisheries of New Brunswick. The two countries were anxious that these questions should be discussed and settled. The President sent a protest from Washington to England, and Mr. Rush was there representing the American Government, and the British Government appointed Mr. Huskinson and Mr. Canning. They discussed these questions between them, and succeeded in making arrangements which were approved of by Mr. Rush, approved of by the British Government and approved by President Monroe; yet, when they were sent to the Senate they were thrown out. The Senate insisted on altering several words in the first clause, and this clause happened to be one which had been originally sent over for the approval of the English by the President himself. I will not attribute any unworthy motive to the Senate in this matter; I only point to it as an instance of the difficulties we have to encounter. I have detained the House longer than I anticipated; at the same time, I felt it necessary that an opinion should be expressed on this subject, and I do hope, as an Englishman jealous of the honor of my country, that she will act up to her standing in regard to this, without at all expecting that it will lead to war between the two countries, or that it will lead to great diplomatic difficulties. The case is so exceedingly simple in itself, also so important to Canada that her independence in this matter should be established, that I do think our Government and our Parliament cannot be too precise and clear in their expression of opinion on this Behring's Sea question.

HON. MR. WARK—I do not intend to discuss the Speech, but I want to make a remark with respect to what has fallen from the hon. gentleman from Ottawa, with regard to the contrast between the conduct of England when two American citizens were taken by force from a British vessel, and what he looks upon as the dilatory course pursued now by the Government on this Behring's Sea question. At the time referred to, England was on the very best terms with France. Napoleon was an ally of England, and while the contest was going on in the United States, if England had gone with them she would have acknowledged the independence of the Southern States.

At that time Russia was looking on with indifference, perhaps with pleasure, at the contest that was going on. The British Government is very differently situated now. France is jealous of the position that England occupies in Egypt. Russia

wants nothing more than to see England engage in some difficulty with a foreign power in order to carry out her designs on Constantinople. Now, the Marquis of Salisbury is by no means a timid statesman, but I think everyone must admire his prudence in endeavoring to settle this Behring's Sea question in a peaceable manner.

HON. MR. POWER—What about Portugal?

HON. MR. WARK—There is no danger from Portugal.

HON. MR. ABBOTT—My hon. friends opposite will not be surprised if I concur entirely in all they have said as to the advantages which we have already derived, and will in the future derive, from the appointments which the Government have made to this House during the interval between last Session and now. I listened with very great pleasure to the speeches of the mover and the seconder of the Address, and was struck with the knowledge of the subjects which they displayed. I congratulated myself not only upon the advantages which the appointments obviously possess, but also, as I listened to hon. gentlemen opposite, on the approbation of the actions of the Government which they displayed in praising these appointments. In fact, that appeared to me to be quite in harmony with a great deal that fell from my hon. friends opposite; but while congratulating ourselves upon those acquisitions to our numbers I think it meet and fitting that we make a passing reference to the losses we have sustained by the hand of death since our last Session. We have had the misfortune to lose two of our most valued members, one (Mr. Hardisty) who was only on the threshold of his duties as a Senator, and had not had sufficient time here to make known to us the ability that he possessed and the patriotism that, I have no doubt, he would have displayed as a member of the Senate. He was cut off in the zenith of his powers, and we have to lament the untimely accident which deprived us of his association with us as our colleague. We must also feel, more strongly if possible, the loss we sustained in the death of our late hon. friend from Hamilton (Mr. Turner), a man who was and would have continued to be a credit to this House, and to any body of which he was a member. He was cut off while displaying among us the manly vigor both of body and mind which distinguished him above a great many of his fellows. These are losses which we could not contemplate as being probable, and which are irremediable to us, and they very strongly—more strongly almost than any similar misfortune that has occurred to this House—illustrate to most of us—to many of us, at all events—the uncertainty of life and the certainty of death.

With reference to the subject of the Speech which my hon. friends have discussed, as I have said I think we have to congratulate ourselves, and I congratulate the House and those hon. gentlemen upon the moderation which they have displayed in the discussion of those points in the Speech with which they did not altogether agree, or which suggested to them, perhaps, subjects on which they did not altogether agree, with members on this side of the House. I congratulate myself and the House on that, because I think it marks a progress in the career of this House which is likely to prove advantageous to us in the future. It is important that we should be able to eliminate from our discussions any virulence of party feeling that may tend to distort our opinions or prevent a clear view of the subjects that are presented to us. The Senate is eminently a house of deliberation, possessing in its members a degree of experience and also, we may hope, of judgment and wisdom, which their previous training and their previous careers in most instances so well justify, and the position which we hold before the country is likely to be sustained and elevated by a calm and dispassionate consideration of the questions which come before us, rather than by indulging in heated debates or recriminations on matters on which we happen to differ. That, I think, correctly characterizes the discussion which has taken place so far; and I am glad of it, and proud of the House for the applause with which the remarks of hon. gentlemen on both sides have been received. At the same time, as a matter of course, although in so many instances my hon. friends opposite agree with the Government and state their approbation of its conduct, there are one or two points to which in a few words I desire to refer, not intending to raise a

debate upon them or to discuss them at any great length, but to express my opinion in as few words as possible, merely to place on record the shades of difference, perhaps, rather than any great difference, which prevail between their views and mine.

With regard to the first subject, and one that has been dilated upon by several members, the question of the Behring Sea outrages, I must say (and I think what I have said before in this House on previous occasions justifies me in saying it now) that I entirely agree with every word that my hon. friends on the other side have said, with the very forcible speech of my hon. friend from Prince Edward Island, more especially as respects the conduct of the Government of the United States towards us with regard to those fisheries. There is no possibility of question that the United States laid down for themselves, in their contest or dispute with Russia, the doctrine which we now advocate and stand upon, and they did so with a force and clearness—that is to say, in the expression of opinion by their statesmen and jurist-consults, that it appears to me ought to entirely disqualify and prevent them from taking the position which is attributed to them at present of maintaining their right to control over Behring Sea. The opinion of their legal officers—the opinion of Chancellor Kent, one of their greatest writers on international law—was so clear and so strongly expressed, and met with such entire approbation in the United States from the whole of their statesmen of every party—that it is inconceivable to me that at this moment they can hold any different doctrine, and I must say that I have as yet no evidence before me that the United States do enunciate any different doctrine from that propounded by Chancellor Kent. I do not understand that the United States have taken the ground in the controversy which has been going on for some time past, that they have a right to control Behring's Sea. I do not understand that they maintain that they can legally or constitutionally prevent our fishermen from exercising their fishing rights beyond the three-mile limit in Behring's Sea. The precise nature of the discussion which has taken place it is not in my power to state to the House. It is obviously not in the public interest that while a controversy in going on between the two Governments, the reasons and motives of either party to that discussion should be made the subject of public comment, and should be spread over the country in newspapers, and commented upon by public speakers, and feelings aroused which would be detrimental to a free and calm discussion on the subject between the two Governments; but I can state this, from personal knowledge of the subject, and on the very best and highest authority, that England has from the first taken exactly the same view of this Behring's Sea question that my hon. friends who have spoken have, that I do, and that this House does—precisely the same. There has been some delay in the conclusion of the discussion, some delay has taken place in the public declaration of the rights of Canada and the removal of the difficulties which have been suffered by our fishermen on the Pacific coast, but of course to discuss that would be to discuss the correspondence which has not yet been laid before the House, and which, I do not think, is a proper subject of discussion; but I think the Senate may rely upon this, that the correspondence will show that short of taking a position which might provoke a conflict, England has done everything in her power to bring this matter to a favorable conclusion for herself and for us. My hon. friend from Ottawa spoke of the motives which he imagines governed England in not having insisted on a settlement of this question; he attributes it to the market which England has in the United States for her produce, and I think, with a little inconsistency, my hon. friend illustrated his arguments by an instance where England did, with this very same country, whose market she so strongly desires, the very thing which he thinks she ought to do in this instance—in the Mason and Slidell case—where her jurisdiction over her own ships was invaded by the crew of a United States cruiser. In that case she took the strongest possible ground at once, and risked an immediate breach with the United States, and the loss of this market, to retain which, my hon. friend thinks, is her motive for not vindicating our rights in the same manner now. That, I think, shows pretty well that my hon. friend is mistaken as to the motive which governs England in the present instance, and that there is no foundation for the statement that she

would neglect any interest of her own or Canada's, any insult to her dignity as a nation, on the ground that she would thereby sacrifice any market which the United States might give her. We, ourselves, I think, have been pretty good customers of hers, and might also have a counterbalancing influence in that particular direction; but I do not think my hon. friend's own illustration of his argument was sufficient to justify the assertion that England had any such motive in allowing this controversy to be protracted. The only reason that England had for allowing the delay was, that she could not bring the dispute to an earlier conclusion without assuming towards our friends on the other side of the border a position which my hon. friend from Ottawa would be the very first to deprecate and condemn. If with a little patience, if with the loss of some time—a good deal of time, I am quite prepared to admit,—England can succeed in bringing about a peaceable and friendly solution of this question, surely the loss of a year or two in the operations of these fishermen on the Pacific coast is nothing to be compared to the misery, the loss and the destruction that would follow any breach between England and the United States. And who would suffer most by such a breach—who but we, that are complaining because we have lost the cargoes of a few small fishing schooners, which after all do not amount to a great deal, and which I am confident will be compensated to the owners at the conclusion of this controversy. What comparison would that bear to the misery, the wretchedness and ruin which would follow a direct breach between England and the United States? I think that my hon. friends who find fault with this delay would do well to exercise some little patience, and entertain some little confidence in the desire and in the ability of England to maintain her own dignity and her own position (for it is her dignity and her position that are just as much assailed as ours), and trust, as I believe they may safely trust, that we shall shortly have, probably, as His Excellency informs us, within the present Session, a solution of the difficulty which will be satisfactory to everyone.

The other subjects which have been discussed will probably not require that I should detain the House so long as I have done on this subject of the seal fisheries in Behring's Sea, because that is certainly a subject which interests us very largely, which in itself possesses intrinsic importance and demands the attention of the Senate, and of any other deliberative body that may be in session. With reference to the other subjects which were brought up by my hon. friend—the question of the fishing industry—it has been ascertained, and it is the fact, that better methods of curing fish, better methods of preparing the packages in which the fish are placed for market, have lately come into use both in Scotland and in Holland—in Holland more especially, where those methods have been better and more successful in capturing the attention and favor of customers than has been the case in Scotland. I am unable to inform the House, and probably it would not greatly interest hon. gentlemen to know, exactly in what particulars these improvements have been made. There is something in the construction of the packages, the mode in which the fish are pickled before they are placed in the barrels and packed in the barrel, the mode in which the packing is finished off—I do not know exactly what it is, but those are the points in which the fishermen, more especially of Holland, have succeeded in placing their goods in a better and more marketable condition than those of our own fishermen. The Government have sent over a commission composed of two men, who are certainly as experienced as could be found in the Dominion, practical fishermen, to investigate those processes and give us the necessary information which will enable us to successfully compete with the fishermen of Scotland and Holland, more especially the latter; and I trust that we shall shortly have their report before us, and judge for ourselves of its merits and the advantages which we may hope to derive from it.

There is another subject, and a very wide one, which I think cannot be successfully debated on this occasion; perhaps we may have a substantive opportunity of debating it during the Session. It has reference to that question which is familiar to this House, and which my hon. friend from Ottawa never fails to remind us of—and he is quite right, because it is an important one—the development and settlement of the North-West. One of my hon. friends opposite quoted the prophecy of Sir John Macdonald in another place as to

the probable increase in the settlement of the North-West, as to the probable profits that might be made out of the sale of lands in the North-West, in consequence of that settlement, and very naturally told us that that prophecy had been very far indeed from being fulfilled. Well, Sir John is not the only statesman who has prophesied with regard to our proceedings in the North-West. Other prominent statesmen have prophesied about the Canadian Pacific Railway—one gentleman indulged in remarkable predictions—I do not remember the figures, but they were so large that they were almost beyond the power of man to conceive, certainly beyond the power of man to count—as to the time which would be required for the construction of a railway across the continent, and the amount of money that would be spent in building it. I suppose great statesmen are fallible, like everybody else, and the prophecy which my hon. friends opposite have been criticising has been answered in this way—whether truly or not, I do not know; my hon. friends will say, no doubt, not correctly—that one of the great and most effectual causes which has prevented the settlement of the North-West has been the fault which some of our own people have been in the habit of finding with the prospects of emigrants who should go to the North-West. This proposition has been put before the House on former occasions. We discussed it at considerable length last Session. I do not wish to provoke a discussion on it now; I merely wish to state, as my hon. friends have raised it, in a few words, my position, and the position of our friends on that point. My hon. friends opposite say that the settlement of the North-West is progressing very slowly, that it does not come up to Sir John's prophecy, or to our expectations by any means. Whose fault is it? Who tells the world generally that there is some monopoly in the North-West which would prevent any man making a living there? Then, our land laws were said to be so bad that settlers would not go there, and the people were told that they were worse than the land laws in the States on the other side of the line. It was something like a man who prophesies and goes to work to fulfil his prophecy. In this instance my hon. friends opposite controverted the prophecy of Sir John Macdonald, and then went to work to prevent its realization. That is our view of it. My hon. friends also made some other statements about this question. One hon. gentleman said: "Look at Dakota! Look at those north-western States, how rapid their progress has been compared with ours!" I have no hesitation in saying that it is so: they have made greater progress of late years than we have. They have some advantages.

HON. MR. PERLEY—Half of them are starving to death now.

HON. MR. ABBOTT—In the first place there were no men or body of men who occupied themselves in presenting the disadvantages of taking up land in Dakota. I have not found that it has been the characteristic of any body of men in the United States to find fault with their own country, or try to prevent the prosperity or settlement of any portion of it, whether from a desire to destroy the Government, for instance, or from any motive whatever. No such policy has been developed by any party in the United States. There is another reason, also, which is perhaps stronger than the one I have stated, though the one I have mentioned no doubt has had great influence, and that is that these States are filled by the surplus population of a community of 60,000,000 of people *plus* what emigration may go to those North-West Territories, and which is distributed more or less all over it. Our settlements in the North-West are formed by the surplus population of a people of 5,000,000 *plus* the immigration we are able to obtain. I am happy to say, and the census will prove it, that the increase in the population of Manitoba and the North-West has been greater than those two causes could produce—I mean to say, immigration from Europe; because it has been largely increased by immigration from the south side of the line, and that is going on in a greater degree now than it has ever before, because those who found fault with our country and recommended Montana and Dakota as places of settlement by preference over the North-West, because of monopoly, bad land laws and the like—those people who went there on these representations are now coming back to the North-West and settling there, where they find that the expense of carriage and transport is not so great as in their own country, and where they find that the land

laws are at least as equitable and as well and honestly administered as in their own country.

Now I am in hopes that with these causes—the removal of the objections or rather of the statement in so great a degree of the objections alleged against the North-West, the greater acquaintance of the rural populations of Europe, more especially of Great Britain, with the North-West and its capacity—will year by year increase immigration and we shall in due course possess the great country there which my hon. friend from Calgary so eloquently described as being justified by the advantages which it possesses. I am in hopes that it will be so, and I believe that it will be so.

With regard to what has been said as to the development of our mineral resources, I think my hon. friend who remarked on that is not keeping himself *au courant* with the progress of events in that respect. We have in the last two or three years made discoveries of various valuable minerals, and those are being exploited to an immense extent both by our own people and by English and American companies. The whole region which has been opened up by the Canadian Pacific Railway north-west of Lake Nipissing, and by the branch from Sudbury, is found to abound with most valuable minerals—copper and, still more valuable, enormous deposits of nickel, so vast that the world at large will be mainly indebted for its supplies of nickel to the territory west of Lake Nipissing. I find so much occasion constantly to applaud what my hon. friend from Prince Edward Island says that I hope that he is not smiling at my statement as doubting it, because I have a personal knowledge that those mineral deposits are of enormous extent and of equally enormous value. These developments are going on; there are similar projects being commenced and proceeded with in the large deposits of the precious metals to be found mainly south of the Canadian Pacific Railway, in the Rockies and Cascades Ranges, and I think the results of these projects will be such as to attract an enormous proportion of the enterprise in mineral matters throughout Europe to this country, and a correspondingly large development of those very large mineral resources.

HON. MR. VIDAL—And coal.

HON. MR. ABBOTT—My hon. friend says coal: I had omitted to notice that important mineral. Undoubtedly we are producing enormous quantities of coal. In British Columbia, the consumers of coal have been largely handicapped by the practical monopoly of the coal supply which exists in that region in the hands of one company or one person, but that monopoly will probably shortly be entirely destroyed by a discovery which has been made of valuable coal lying on the far side of the mountains in the plain through which the great Fraser River passes to the sea, and easy of access to the seaboard and to the growing towns in that quarter. So that also will form a very considerable addition to the development which is going on in the mineral resources of that country.

There are two or three minor points that I would like to say a word about. The hon. gentleman from Halifax is inclined to find fault with the Government for the measure, with regard to the foreshores, which His Excellency has promised. I think the hon. gentleman, of course, only expresses that distrust which he thinks is appropriate on such an occasion to his position as one of the leaders of the Opposition in this House; he did not express any opinion as to what the proposed measure of the Government is likely to be. I only hope that when the measure comes down my hon. friend will not suppose that the Government prepared it in consequence of the suggestion which he has just made. I think my hon. friend will find that it affords an excellent solution of the difficulties which have been experienced in connection with the foreshores question. I do not think my hon. friend will feel that the other party, the Province, will be inclined to introduce a Bill to cancel the settlement which the Government propose to make. There is not the slightest danger that any provincial Government will quarrel with the Dominion Government as to the mode of settlement which is to be embodied in the Bill which His Excellency promises. As to other suggestions which hon. gentlemen have made, that we should endeavor to get some of those commercial measures before the Senate, to have an opportunity of employing our time at the beginning of the Session more usefully than we have been able to do on former occasions, I sympathise very strongly indeed with

what has been said on this subject. I desire to have an opportunity of proving that this House is as capable of placing in proper form and shape measures affecting the commercial community, and in fact any other measures, but more especially those such as are promised, and I refer to them now—as any other body sitting in any other place can possibly be; and I venture to think, also, that in accordance with the theory expressed a little while ago, in the absence of that political acrimony which some popular assemblies are in the habit of displaying, we can give those measures a greater proportion of time and a more dispassionate and careful and calm consideration than they would receive in another place. I hope that during the present Session we shall have an opportunity of supporting the faith that is in us by taking up some of those very important commercial measures which His Excellency promises us; and I am sure, from what I know of this House and the committees of this House, that the result will be that we shall be found to have done them justice. I believe that last Session the efforts that we made to improve legislation were highly considered in other quarters, and I have no doubt whatever that the same result will follow on this occasion.

The motion was agreed to.

DEATH OF SENATOR TRUDEL.

HON. MR. ABBOTT—It is my melancholy duty to lay before the House a telegram which I have just received, announcing the fact that our esteemed colleague, Senator Trudel, has just departed this life.

BILL INTRODUCED.

Bill (A), "An Act to amend the Railways Act." (Mr. McCallum.)

The Senate adjourned at 5.45 p.m.

THE SENATE.

Ottawa, Monday, January 20th, 1890.

THE SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (B) "An Act to amend Cap. 148 of the Revised Statutes of Canada, respecting the improper use of firearms and other weapons." (Mr. Read.)

THE LATE SENATOR TRUDEL.

HON. MR. ABBOTT—Before the Orders of the Day are called, I desire to express what I am sure must be the sentiments of this House, and which are undoubtedly my own sentiments, as to the untimely and much to be regretted loss which we sustained last week by the death of our late honored colleague, the Hon. Mr. Trudel. Although, doubtless, he and I differed on many points connected with the government of the country, and he and other gentlemen also differed, still no one can deny that whatever position or course he thought fit to assume or advocate in the House, he always acted with the most perfect courtesy, with great ability, and in every respect in a manner to recommend him to his colleagues in the Senate, as a gentleman in every way worthy the distinguished position which he held in this Chamber. Everyone must admit the great ability which distinguished him during a moderately long career in public life as an advocate, as a journalist, and as a public man. We must all feel the deepest regret that the country should be deprived of his valuable services at so early a stage in his career, when he was practically in the prime of life, but such is the dispensation of Providence, and we can only submit. It is only due to his memory that I should say, and I am sure that I express the feelings of everyone here, how much we regret the loss that this House and the country have sustained by his death.

HON. MR. SCOTT. I feel that it is quite unnecessary that I should add anything to what has fallen from the leader of the House. I am sure that the observations which he has made find a ready echo in the breast of every gentleman present. Our lamented friend, Senator Trudel, was a man who was highly respected. As the leader of the House has said, he was a man of very marked individuality, but everyone must have been struck with the very great sincerity of his convictions. He always spoke what he felt; there was no dissimulation in his character. He was a man who acted up to the impulses of his own nature. He was honorable, fair-minded and generous on every occasion,

but the marked trait of his character, I think, was the great sincerity that was observable in all that he said and did. I am quite sure that we all feel, equally with the leader of the House, regret at the loss that the country has sustained by the early death of our late colleague.

HON. MR. BELLEROSE—(in French)—I am happy to hear the eulogy which the leader of the House has paid to the memory of the late Senator Trudel. I quite agree with all that he has said, but coming from a political adversary, it possesses greater force than anything I could say. The late Senator and I were old and intimate friends. Should I undertake to describe all that Senator Trudel was, I would have to show him as a good citizen, an affectionate father, an able writer, a prominent journalist and an eminent politician. But the prominent trait in Senator Trudel's character was the earnestness of his convictions, for which at any time in his career I am sure he would have been ready to lay down his life. Such sincerity and courage are not usual in our times. While he held tenaciously to his own views and expressed them freely at all times, he was so kindly and courteous that he leaves behind him in the House only friends. I would conclude by thanking the leader of the Senate for the tribute he has paid to our late colleague, and hoping that our lamented friend is now enjoying the reward of a well spent life.

HON. MR. ROSS—(in French)—I desire to add my expressions of regret at the loss of the late Senator Trudel to those which have fallen from my hon. friends who have just spoken. Mr. Trudel was a native of the parish from which I come, and I have known him from his childhood as a member of a numerous and highly respected family of which he was the pride, and to whom his death is a terrible blow. I extend to them my most cordial and sincere sympathy in their bereavement. I have known, as I have said, Mr. Trudel from his infancy, and I fought with him for many years under the same banner and in the same rank. Later on we pursued different courses, but in taking a new departure of late years, I believe he was actuated by the greatest sincerity, and thought that he was doing what was right. He pursued it with the sincerity which was always a prominent characteristic of our late colleague. Mr. Trudel was a man of energy and talent, violent at times, but always sincere, and that sincerity was appreciated by all, and his violence was the more readily pardoned. I concur in the expressions of praise and regret that have fallen from those who have spoken to-day, and I shall not detain the House by repeating what they have said.

The Senate adjourned at 3.35 p.m.

THE SENATE.

Ottawa, Tuesday, January 21st, 1890.

THE SPEAKER took the chair at 3 p.m.

THE STANDING COMMITTEES.

MOTION.

HON. MR. ABBOTT moved the appointment of the following Standing Committees:—

JOINT COMMITTEE ON PRINTING.

Honorable Messrs.

CASGRAIN,	MCKINDSEY,
DEVER,	MACFARLANE,
GIRARD,	OGILVIE,
GOWAN,	PERLEY,
GUÉVREMONT,	PELLETIER,
HAYTHORNE,	POWER,
KAULBACH,	READ,
LOUGHEED,	VIDAL,
MCCLELAN.	WARK.

BANKING AND COMMERCE.

Honorable Messrs.

ABBOTT,	MACPHERSON (Sir David Lewis),
ARCHIBALD,	MILLER,
BELLEROSE,	ODELL,
BOTSFORD,	PAQUET,
BOYD,	PRICE,
CHAFFERS,	PROWSE,
CLEMOW,	REID,
COCHRANE,	ROBITAILLE,
DRUMMOND,	ROSS,
LACOSTE,	SANFORD,
LEWIN,	SMITH,
LOUGHEED,	SULLIVAN,
MCCALLUM,	THIBAUDEAU,
MCMILLAN,	VIDAL,
MACINNES (Burlington),	WARK.
MACDONALD (Midland),	

RAILWAYS, TELEGRAPHS AND HARBORS.

Honorable Messrs.

ABBOTT,
ALMON,
ALEXANDER,
BELLEROSE,
BOUCHERVILLE, DE,
BOULTON,
CLEMOW,
COCHRANE,
DICKEY,
DRUMMOND,
GIRARD,
KAULBACH,
LEONARD,
LOUGHEED,
MCCALLUM,
MCCLELAN,
MCDONALD (Cape Breton),
MCINNES (B. Columbia),
MCKAY,
MCKINDSEY,
MCMILLAN,
MACDONALD (B. Columbia),
MACINNES (Burlington),
MONTGOMERY,
MILLER,
O'DONOHOE,
OGILVIE,
PERLEY,
POWER,
PRICE,
ROBITAILLE,
REID,
READ,
SANFORD,
SCOTT,
SMITH,
STEVENS,
SUTHERLAND,
VIDAL.

CONTINGENT ACCOUNTS.

Honorable Messrs.

ABBOTT,
ARCHIBALD,
ARMAND,
BOTSFORD,
CHAFFERS,
DEBLOIS,
DICKEY,
DRUMMOND,
FLINT,
GIRARD,
GRANT,
HOWLAN,
LEONARD,
MCCLELAN,
MCDONALD (Cape Breton),
MCINNES (B. Columbia),
MCKAY,
MACINNES (Burlington),
MCLELLAN,
MACDONALD (Midland),
MACFARLANE,
MACPHERSON (Sir David Lewis),
MILLER,
ODELL,
O'DONOHOE,
OGILVIE,
PAQUET,
PELLETIER,
PERLEY,
POWER,
PROWSE,
READ,
ROBITAILLE,
RODIER,
SCOTT,
SMITH,
STEVENS.

STANDING ORDERS AND PRIVATE BILLS.

Honorable Messrs.

ALMON,
ARCHIBALD,
ARMAND,
BELLEROSE,
BOLDUC,
BOTSFORD,
BOULTON,
DEBLOIS,
DEVER,
FLINT,
GLASIER,
GOWAN,
GRANT,
GUÉVREMONT,
HAYTHORNE,
HOWLAN,
LACOSTE,
LOUGHEED,
MCINNES (B. Columbia),
MCKAY,
MCMILLAN,
MACDONALD (B. Columbia),
MACFARLANE,
MERNER,
MILLER,
MONTGOMERY,
O'DONOHOE,
OGILVIE,
PAQUET,
PELLETIER,
POIRIER,
POWER,
PROWSE,
READ,
REESOR,
RODIER,
ROSS,
SCOTT,
STEVENS,
SULLIVAN,
SUTHERLAND.

REPORTING DEBATES.

Honorable Messrs.

BELLEROSE,
BOLDUC,
BOUCHERVILLE, DE,
CASGRAIN,
HAYTHORNE,
HOWLAN,
MCCALLUM,
MACFARLANE,
MERNER,
PERLEY,
POWER,
RODIER,
ROSS,
SCOTT,
THIBAUDEAU,
VIDAL.

SELECT COMMITTEE ON DIVORCE.

Honorable Messrs.

DICKEY,
GOWAN,
HAYTHORNE,
KAULBACH,
MCCLELAN,
MCKINDSEY,
MACDONALD (B. Columbia),
OGILVIE,
READ,
SUTHERLAND.

MILL REFUSE IN THE OTTAWA RIVER.

MOTION.

HON. MR. CLEMOW 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, copies of all reports and other communications in reference to the deposit of sawdust, slabs, or other offensive material in the Ottawa, and other rivers of the Dominion.

He said—I regret that it is necessary to bring this matter again before the Senate. As most hon. gentlemen are aware, this matter has already received considerable attention in this House. Two years ago a notice similar to this was submitted, and a large Committee was then appointed, under

the able guidance of the hon. member from Richmond, to investigate the matter. An amount of evidence was obtained which certainly showed that the nuisance complained of was of a nature calling for some remedy. It was not to be expected that the Government should act at the moment, but we were informed by the hon. gentleman then leading this House, that during the recess consideration would be given to the question at issue, and that some remedial course would be adopted for the purpose of alleviating the cause of complaint therein referred to. Last Session it was also considered necessary to bring this matter under the consideration of the House, and the leader of the Government told us that he concurred in what had been stated by myself and others on the subject, but that other reports were being made and it was intended to await the result of those inquiries and investigations before the Government could arrive at any conclusion. Another year has passed over, and I do not see that any very great efforts have been made in that direction. The nuisance is still complained of, and has increased to some extent. Last year the Ottawa River was so impeded by this obstruction that it was almost impossible to navigate it. I have known boats to be detained two or three days at the foot of the locks before they could ascend to the basin, and the obstruction became so serious at the latter end of the season that the gentlemen who are chiefly chargeable with the commission of this offence went to the expense of dredging a portion of the channel to enable the vessels to enter the locks. Now, this state of things should not be allowed to continue. It is high time that action should be taken to put a stop to a practice which is ruinous to the navigation of the river. I am in hopes that when the subject has received attention on other rivers, notably in New Brunswick, that some action will be taken. Therefore I have put this notice on the paper with a view of eliciting the opinion of the Government on the question. I may say that this evil has increased from year to year. Hon. gentlemen will understand the serious character of the nuisance when I tell them that last season some four to four-and-a-half millions of sawlogs, producing some eight hundred millions of feet of sawn lumber, were cut in this vicinity, a large portion of these logs, in the shape of sawdust, slabs and other refuse, being deposited in the Ottawa River. If this practice is continued it will, in the course of time, render the river absolutely useless for navigation, and I think it is high time that we should take steps to prevent further damage from this cause. The rivers of the Dominion are the natural highways of the country and nobody should be allowed to obstruct them. I hope that some thing substantial will be done during the present Session for the protection of the public interests. When the sessional papers for which I now move are brought down, and I learn the intentions of the Government, if they are not satisfactory, I intend to submit a short Bill in order to test the feeling of the House on the question at issue. I hope the Government will not object to producing the papers which I wish to obtain, as they may furnish information which will enable the House to arrive at a sound conclusion in the matter. The question is one of very great importance to this section, and I hope that some prompt action will be taken to abate the nuisance and remove the difficulties of which we complain. Something should have been done before now, but when the papers are brought down it may appear that there is good reason for the delay. I recognize the importance of the lumber trade to this section of Canada, but there are other interests to be conserved and protected as well as the lumbering interest. The subject is one of such general importance that no private interest or feeling should be allowed to interfere with a settlement of it in the public interest.

HON. MR. ABBOTT—The Government, of course, have no objection whatever to the Address being carried, but I think we might conveniently dispense with a further discussion of the questions which my hon. friend proposes to raise until we have the papers before the House, and can see exactly what these various experts have reported on the matter in question.

HON. MR. SCOTT—The papers I suppose will be brought down at an early date; they must be all ready.

HON. MR. ABBOTT—They will be brought down as soon as possible; I cannot say whether they are ready.

HON. MR. SCOTT—They cannot be very voluminous.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

SECOND READING POSTPONED.

HON. MR. McCALLUM moved the second reading of Bill (A), "An Act to amend the Railway Act."

He said—This is the same Bill that passed this House last year.

HON. MR. SCOTT—The Bill is not printed; you had better let it stand for a few days.

HON. MR. McCALLUM—If hon. gentlemen persist in the rule being followed, of course I shall not press the Bill until it is printed; but if they will allow it to take a stage, all right, if you do not of course I shall have to withdraw my motion for the second reading at present.

HON. MR. VIDAL—It is better to allow the Bill to stand until it is printed.

HON. MR. McCALLUM—I move that the Order of the day be discharged, and that the Bill be read the second time on Tuesday next.

The motion was agreed to.

A PROPOSED ADJOURNMENT.

HON. MR. ABBOTT—A good many hon. gentlemen have suggested to me that we should have the usual adjournment we have had after the commencement of every Session. I have been endeavoring to see what work could be obtained for the House to take in hand immediately, and there is to be a meeting this afternoon for the purpose of discussing that very subject. At the same time I do not think we can get work enough to keep us going for the first ten days of the Session, any more than they can in another place. I therefore give notice that I shall move to-morrow, if the House will permit me to give that short notice, for an adjournment to a day which can be settled when we discuss the matter. The Committees are all appointed; they will meet to-morrow for organization, and will be ready for work when the House meets again after the adjournment. I do this not with any wish myself to adjourn the House, but a number of members desire not to be detained here unless they have substantial work to do.

The Senate adjourned at 3:40 p.m.

THE SENATE.

Ottawa, Wednesday, 22nd January, 1889.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

HYDRAULIC LOTS AT OTTAWA.

MOTION.

HON. MR. CLEMOW 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 detailed statement showing the settlement effected with the Lessees of Hydraulic lots at the Chaudière, City of Ottawa, as likewise copies of new leases entered into with the several Lessees of the said Hydraulicl ots.

He said—I have very little to say with respect to this question, only that I am informed that when these papers are brought down they will disclose the satisfactory information that a large sum of money has been obtained by this country from the lessees of the hydraulic lots at the Chaudière. This amount has been in abeyance for a great number of years, and it is gratifying to know that it has at last been collected. My motion also calls for copies of the renewed leases. I hope that the amount payable under these new leases will be commensurate with the value of the privileges enjoyed by the lessees. Heretofore the rental for these lots has been nominal, and in many instances the lessees sublet portions of their water powers for sums which were extravagant compared with the rental they paid to the Government. For instance, a lessee has received from other parties, by sub-letting, over four thousand dollars, whereas the rental paid to the Government was about eighty dollars a year. I hope the conditions of the new leases are such as to give the Government control of any excess of power that may be available at the Chaudière. These water powers are of immense value, and if the Government were in a position to offer them at public competition, they might yield a

handsome revenue; but these parties were in possession, I presume, and it is nothing but right that their leases should be extended; but when the current leases expire I think the Government, in the interest of this locality and of the public generally, should offer the hydraulic lots at the Chaudière to public competition. It is a matter for congratulation that this long-standing dispute has been settled. I hope that the papers will show that the settlement which has been effected is advantageous to all the parties concerned.

HON. MR. ABBOTT—There is no objection to the Address.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

HON. MR. ABBOTT moved that when the House adjourns this day it do stand adjourned until Tuesday, the 4th of February, at 8.30 p.m.

HON. MR. WARK—Perhaps the hon. member can inform us whether the Government have decided to introduce any of the important measures referred to in the Speech from the Throne in this House. The Bank Act is a measure which might be discussed with advantage in the Senate. We have in this House not only bank presidents, but bank directors and men engaged extensively in commerce; the leader of the House stands at the head of commercial lawyers, and we have also other members who are eminently qualified to consider such questions. Then there is the measure relating to bills of exchange and promissory notes, which might be brought up with advantage in the Senate, where we have, perhaps, more leisure to deal with such matters than they have in the House of Commons. I should like to know, before the adjournment, whether those measures will be introduced in the Senate or not.

HON. MR. KAULBACH—I might object to this motion on the ground that it is irregular, but I waive that objection. I am always opposed to these adjournments except when they are proposed by a member of the Government in this House, who is responsible largely for the progress of legislation. It is unfortunate, when these adjournments are to take place, that sufficient notice is not given, so that members, particularly at a distance, may know whether it is worth while to come to the Capital before the adjournment takes place. If I had had notice in time, I should have remained at home until after the adjournment.

HON. MR. ABBOTT—If my hon. friend had been here yesterday he would have heard the representation that I made to the House, that I was endeavoring to arrange for business for the Senate in this early portion of the Session, but was not aware until yesterday that we could not get a sufficient amount of business to occupy us in any reasonable degree for the next two weeks. That is the reason why I did not give my notice earlier. In the Senate, and in the House of Commons also, important business is not usually introduced for a few days after the opening of the Session. A great many of the important measures must be introduced in the Lower House, and cannot with propriety be introduced here, so that we have even a less proportion of business to do, even if we had all we could do, than the House of Commons. The Banking Act, to which the hon. member from Fredericton referred, is one which lies peculiarly within the functions of the Finance Minister, and we could hardly expect it to be introduced and explained by anybody but himself. The Bill relating to promissory notes and bills of exchange might with propriety be introduced here; I do not know that there is any objection to it, but everyone realizes that we have a Bill just as completely under our control when it comes to us from the Commons as when it is introduced here in the first instance. So that after all, except to enable us to do work at the beginning of the Session when we are not busy, instead of having to hurry it through when we are busy—except for that, which is an important reason, we have all the advantages with respect to these Bills that we would have if they were introduced here in the first place. The Bill relating to bills of exchange and promissory notes was introduced in the House of Commons last Session, and probably there was some consideration arising out of that fact, that it would be better to proceed with it there instead of introducing it in the Senate this Session.

The motion was agreed to.

BILLS INTRODUCED.

Bill (C) "An Act respecting the Department of Geology, Mining and Natural History." (Mr. Abbott.)

Bill (D) "An Act respecting Commercial Fertilizers." (Mr. Abbott.)

The Senate adjourned at 3:50 p.m.

THE SENATE.

Ottawa, Tuesday, February 4th, 1890.

THE SPEAKER took the Chair at 8:30 p. m.

Prayers and routine proceedings.

NEW SENATOR.

HON. EDWARD MURPHY was introduced, and having taken the oath of office and signed the roll, took his seat.

BILLS INTRODUCED.

Bill (E), "An Act for the better securing the safety of certain fishermen." (Mr. Power.)

Bill (F), "An Act respecting offences relating to the Law of Marriage." (Mr. Macdonald, B. C.)

THE LATE SENATOR RODIER.

HON. MR. SMITH—I much regret that it falls to my lot, in the absence of the leader of this House, to announce the death of the late Senator Rodier. I am sure that you will all regret exceedingly, as I do, the loss of our esteemed colleague.

L'HON. M. PAQUET : Je concours de tout cœur dans les observations, si justes et si bien méritées, de l'honorable membre pour Toronto qui m'a précédé. Nos rangs dans cette chambre se sont éclaircs une fois de plus, et la mort vient de nous enlever encore un bon citoyen.

L'honorable M. Rodier était la personnification de tout ce qu'un travail opiniâtre peut opérer, de ce qu'une conduite exemplaire peut créer d'estime et de respect, et de ce qu'une foi sincère peut produire d'exemples à imiter et pour la famille et pour la société. Je m'associe donc aux regrets de toute la chambre et je remercie vivement l'éloquent interprète de notre douleur commune.

The Senate ajourned at 9 p.m.

THE SENATE.

Ottawa, Wednesday, February 5th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

READING PETITIONS.

THE SPEAKER having called for the reading of petitions,—

HON. MR. MILLER said: The reading of these petitions is out of order. It is the custom of the House that one sitting day should intervene between the presenting and the reading of a petition. These petitions were only presented yesterday, and in the case of the divorce petitions especially, I think it is highly improper to allow any departure from the strict rules. Four of these petitions are for divorces, and they were only presented yesterday. I do not know that we have any rule of this House on the subject, but the practice is as I have stated it, and it is also the practice of the House of Lords. In the absence of any rule of our own, we are governed by the practice of the House of Lords. I find in the little Manual by Mr. Lemoine the following: "Petitions.—One sitting day must intervene between the presentation and the reading of a petition." Certainly one day has not intervened in this case, and, as I have already said, in the case of the divorce petitions it is highly improper that any departure from the strict practice should be sanctioned or countenanced.

The reading of the petitions was allowed to stand until to-morrow.

DEPARTMENT OF GEOLOGY BILL.

SECOND READING.

HON. MR. SMITH moved the second reading of Bill (C), "An Act respecting the Department of Geology, Mining and Natural History." He said: In the absence of our worthy leader, I would suggest that this Bill be read the second time now and referred to a Committee of the Whole House on Tuesday next, with the understanding that nobody will be committed to the principle of the Bill. By Tuesday next we may have the leader of the House

present, or some arrangement may be made to carry on the business.

HON. MR. MILLER—I presume there will be no objection to the second reading, on the understanding that the House is not committed to the principle of the Bill. This is a Government measure, and is in a different position from a private Bill. The second reading of a private Bill does not commit anybody to the principle of it.

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

AGRICULTURAL FERTILIZERS BILL.

SECOND READING.

HON. MR. SMITH moved the second reading of Bill (D), "An Act respecting Agricultural Fertilizers."

HON. MR. SCOTT—This is a Bill of nineteen clauses, which the House has not had an opportunity to read. I have no objection to its taking this stage, on the understanding that the House is not committed to the principle of the Bill.

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

The Senate ajourned at 3:35 p.m.

THE SENATE.

Ottawa, Thursday, February 6th, 1890.

THE SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

RECEPTION OF PETITIONS FOR DIVORCE.

The Order of the Day having been called for the reading of petitions,—

HON. MR. DICKEY said: Before these petitions are read, it is fit that I should call the attention of the House to the question which arose at our last sitting in reference to the reading of some four or five divorce petitions. My only object, I may say, in calling the attention of the House to the subject is to avoid taking a contradictory course in regard to precedents and the mode of procedure of the Senate. It will be in the remembrance of the House that under the old rules there was a special procedure in divorce cases. One rule was that the petition should be presented in the usual way and, after one sitting day intervening, it should then be read and certain proof made at the bar of the Senate. Proof was required under the old rule, as under the new one, of the service of the notice of the proceedings on the person affected before the petition could be read or received. Every one who hears me, who remembers that mode of procedure, will recollect how excessively inconvenient it was. At all events, in the judgment of the Senate, it was desirable that a more convenient mode of procedure should be adopted, and the result was the establishment of the Divorce Committee, and rules which thereafter would be applicable to all divorce cases; and amongst these rules is one to which I shall call the attention of the House—the rule which governs this particular part of the proceedings. The House will remember that under the old mode of procedure the petition was read, after proof of the service of the notice to which I have referred had been made at the bar of the Senate. In April, 1888, a new mode of procedure was adopted, and Rule "I" is as follows:—

"The petition, when presented (1) shall be accompanied by the evidence of the publication of the notice (2) as required by Rule D, and by declaration in evidence of the service of a copy thereof as provided by Rule E, and by a copy of the proposed Bill; (3) The petition, notice, and evidence of publication and service, the proposed Bill, and all papers connected therewith, shall thereupon stand as referred, without special order to that effect, to 'The Select Committee on Divorce.'"

That appears to be perfectly plain. Then the next rule, "J," is as follows:—

"It shall be the duty of the committee to examine (1) the notice of application to Parliament, the petition, the proposed Bill, the evidence of publication and of the service of the copy of the said notice, and all other papers referred therewith, and if the said notice, petition and proposed Bill are found regular and sufficient, and due proof has been made of the publication and service of the said notice, the committee shall report the same to the Senate."

The committee report to the Senate whether the rules have been complied with, but the matter is still under the control of the House, because Rule "K" provides:—

"Upon the adoption of the report of the committee the Bill may be introduced and read a first time."

That appears to be perfectly plain, and I can only offer an apology to the House for not having looked into the matter before it was brought up yesterday. I had not the rules at my finger ends and there was no copy of them before me. I think, in the interest of the House, it is better to follow the rules as they stand. They only came into force in the latter part of the Session of 1888. Last year we had no less than five divorce cases, in all of which the mode of procedure was adopted which suggests itself to any person who sees that rule—that is to say, upon the presentation of a petition the petition and all the papers should be referred to the Divorce Committee to be reported upon. The petition is not read here at all; it stands as referred, without any order whatever, but in all those cases—the Lowry, the Middleton, the Rosamond, the Bagwell and the Wand—it will be found by reference to our Journals, which I have taken the trouble to look into, that the petition was presented and no order was made—the petition was never read but it stood, in the language of that rule, as referred to the Committee on Divorce. At page 33 the report of that committee to the House appears. When the report of the committee was presented the motion was made for its adoption, and the House in all these cases decided to adopt the report. I simply mention this to show that the matter is still under the control of the House. In all these cases, except the Rosamond case, which was withdrawn, the report was adopted, the proceedings went on and the Bills were passed through their final stages. There are these five precedents to govern us, and I think it is not too strong language to use to say that it is highly inconvenient to establish a contradictory procedure now, unless it is required by the rules. As the rules appear to me to be quite clear, I think I am simply discharging my duty in calling attention to the matter, in order that we may avoid adopting a course this year which we may depart from next Session. I think, therefore, I am entitled to ask that the House will be prepared to express an opinion on the matter, and I hope that that opinion will be to keep us in the line we have been travelling upon—to keep us not only to the letter but to the spirit of that rule, the object of which was, I repeat, to relegate to the Divorce Committee the task of examining the evidence in support of the petition, instead of obtaining it in the inconvenient manner in which it was formerly brought before the House, and allow the committee to report to the House, and the House to take such action as may be deemed advisable upon the report.

HON. MR. MILLER—I think I shall be able to show to the House that the hon. member from Amherst is quite wrong, both in his own interpretation of the rule and in the citation he has made in support of his view. I have to complain, in the first place, that in a matter of this kind he has not thought proper to give me some intimation of his intention to bring the subject before the House to-day. The question is one which requires reference to authorities, and one which I cannot well discuss without preparation. Still, I will answer my hon. friend on the spur of the moment. It is amusing that in bringing this matter before the Senate my hon. friend has been guilty of violating two of our rules. In the first place, he referred to a previous debate; and, in the second place, he has not given such notice as our rules require. I would readily have dispensed with a formal notice if he had not failed to call my attention to the course he intended to take before making the statement which we have heard to-day. The position which I took yesterday was this: I observed that some of the petitions which had been presented the day before were being read. It had been the practice of the Senate, following the practice of the House of Lords, that at least one sitting day should intervene between the presenting and the reading of a petition. I observed among the petitions which were being read that there were some for divorce Bills, and I called the attention of the House to the subject, and, I think, kept the proceedings regular by doing so. My hon. friend has cited Rule "1," and, perhaps, without sufficient research and examination of the question, he might be led to suppose that the intention of that rule was that the petition should be referred to the Committee on Divorce on its presentation. I contend that the word "presented" here is intended to comprise the general proceeding which takes place in regard to petitions presented to the Senate before they are

referred to the committee, and that the object of the rule was simply to supersede the necessity of sending the petition, when read, to the Committee on Standing Orders, and send it instead to the Committee on Divorce, which, I think, was a very good change. If my hon. friend will refer to Rule "F," which precedes the one he cited, he will see that the intention of the framer of these rules was that the petition should be received. Now, the petition cannot be received until it is read. Rule "F" says that no petition for divorce should be received after the first thirty days of each Session. You all know that the parliamentary meaning of that term is the reception by the House. Therefore, I contend that this rule requires that the petition should be read and received. Otherwise, the rules would be a jargon. Any gentleman who has given attention to parliamentary proceedings will see at once that it was the intention of the framer of these rules that the petition should be received as well as presented, but what struck me with a great deal of surprise was that my hon. friend completely, though no doubt unintentionally, misrepresented the procedure of the House under these new rules, as I will show, in two at least of the cases to which he has referred. I say that the Journals of the Senate contradict him clearly and emphatically. The hon. gentleman cannot have read the Journals with anything like the care which he generally shows in his citations to the House. These new rules were framed by Senator Gowan, who gave a great deal of attention to the subject and became the first chairman of the Divorce Committee. We all know the legal astuteness and clearness of that hon. gentleman, and the care and circumspection with which he watched every stage of the proceedings in these cases from their initiation under the new rules. I take it for granted that Senator Gowan understood the practice to be pursued under his rules as well as any member of this House, and if any irregularity had occurred he would have corrected it at once. Anyone who knows Senator Gowan does not require to be assured that he would allow no departure from a strict compliance with those rules which he had himself framed, and which he looked upon with the fondness of a father for a cherished bantling. Take the Middleton and Bagwell cases, which my hon. friend has cited. I am astonished that the hon. gentleman should have referred to these cases. I do not charge him with intentional misrepresentation, but I do charge him with carelessness in making his citations. On page 18 of the Journals I find that the petitions in these two cases were presented on the 6th of February, and on page 21 I find that on the 20th of February they were read and received by the House. The entry is: "Pursuant to the Order of the Day the following petitions were severally read:" and among the petitions mentioned are two of those cited by the hon. gentleman. The argument of my hon. friend is not only destitute of foundation, but it is supported by citations which are incorrect.

HON. MR. DICKEY—As to my hon. friend's complaint that I have been guilty of want of courtesy in not mentioning to him my reason for bringing this up, I have simply to say that I could not find the hon. gentleman. I took the very earliest opportunity to show him the rules, and to give him the notice which courtesy required that I should furnish him. I only looked into the matter this morning, and I then took the very earliest opportunity to speak to him on the subject. My only reason for bringing up the matter now is that I do not want the House to fall into an irregular practice. The hon. gentleman has referred to two cases in which the rule has not been followed. If there were two cases one way, and three cases the other way, of course the majority of precedents would govern.

HON. MR. MILLER—I have not had time to look at the other cases.

HON. MR. DICKEY—Neither have I had time. I made my statement of the cases from what I recollected, and I believe I have mentioned the course that was adopted with regard to the three other petitions; but we are now dealing with the question of what the proper course is in such cases, and I leave the matter entirely to the House.

HON. MR. MILLER—The intention of the rule is simply this: Every hon. member knows that petitions in connection with private Bills are referred, as a matter of course, without motion, to the Committee on Standing Orders. The intention

of the rule is simply to regulate that petitions for divorce, instead of being sent, as they had been before, to the Committee on Standing Orders, should go, as a matter of course, after being received, to the Committee on Divorce.

HON. MR. VIDAL—As a layman, I find it rather difficult to follow the intricacies of these matters, but I think it is very desirable that the Senate should understand clearly the right course to pursue. It appears to me that the action on the petitions last year was irregular. From the statement made by the hon. member from Amherst it seems to be clear that the new rules which we adopted in 1888 require that a certain form which we had gone through before shall be relegated to the Divorce Committee, and it is only in harmony with that idea that a petition, on being presented should be referred to the Divorce Committee before taking any further action on it.

HON. MR. MILLER—How do you explain Rule "F"?

HON. MR. VIDAL—I cannot say; I have not got it here. If I had one of these petitions in charge I should not know how to proceed under the view taken by the hon. member from Richmond. The old rule was that certain information was to be given to the House before a petition was read. There was no intention whatever to lessen the difficulties which were placed in the way of persons obtaining divorce—there was no desire on the part of the Senate to relieve the petitioner from the necessity of furnishing the necessary information—it was merely for the convenience of the House that the mode of obtaining it was changed. If a petition for a divorce is to be received like any ordinary petition, two days after its presentation, we are dispensing with a safeguard. Before a petition can be read the House must be satisfied that the evidence of the service of the notice is sufficient.

HON. MR. SCOTT—I was not one of those who took part in the framing of those rules, and I am not therefore as competent as others to speak on the subject. I take them as we have them before us. I assume that the petition is subject to the general rule that one day at least shall intervene before it is presented to the House. Rule "D" requires that evidence shall be given of the six months' publication in the *Canada Gazette*, the service of notice and a variety of other forms gone through with that had previously been furnished at the bar of the House, and occupied considerable time. As I read the rule, it was intended that all this evidence should accompany the petition and should be attached to it. The rule says:

> "The petition, when presented, shall be accompanied by the evidence of the publication of the notice, as required by Rule 'D,' and by the declaration and evidence of the service of a copy thereof, as provided by Rule 'E,' and by a copy of the proposed Bill."

Now, in those petitions there certainly are not to be found the requirements of the clause. There is a declaration, but I do not see a copy of the Bill. I think the intention of the rule was that all these documents should be grouped together and attached to the petition before it could be accepted by the House. That is my reading of the rule. I was named on the committee, but I took no part in drawing the rules and take very little notice of those divorce matters. I merely give my own interpretation of the rule.

HON. MR. MILLER—I was guided by the practice of last year. I perhaps have not paid any more special attention to the subject than the hon. member from Ottawa; but Senator Gowan, who ought to understand these rules, and who took such a deep interest in this question, and was careful that no irregularity should creep into the administration of the rules under his presidency of that committee, was present when the petitions in the two cases which I have cited—I have not had time to look into the others—were presented and received, one day intervening, as in other cases.

HON. MR. KAULBACH—I was a member of the committee to which this question was referred, and I remember well the discussion which took place in the committee upon those rules. They were drafted by Mr. Gowan, and referred to the committee. Some amendments were made after a full discussion, and the whole object of the rules was to dispense with this inquiry below the bar. The whole matter was relegated to the committee. I cannot understand why, in those two cases to which the hon. member for Richmond refers, the

rule was departed from; but I understood that in all the other cases the petitions, after being presented, were referred naturally under these rules to the Committee on Divorce. I think they were read, but they were not received—they could not be received until all the evidence was in. I have stated what the intention of the framers of the rule was, and it seems to be right and proper that these petitions should be disposed of in that way.

HON. MR. POWER—I regret to say that I have not given any attention to this matter, but I am disposed, on the whole, to agree with the hon. member from Richmond. The mere presentation of a petition by a member hardly gives the House control of it, until the Senate becomes cognizant of its contents. It might be that a petition, when presented, contains something which renders it not proper that it should be received by the House, and I do not think it was contemplated that petitions of that character should be referred to the committee, though I do not speak positively on the subject. As hon. gentlemen who have given this matter some consideration differ diametrically as to the meaning of the rules, the better way is to follow the more prudent course, which is that suggested by the hon. member from Richmond. If we, to-day, read these petitions, and they go then to the Select Committee on Divorce, we are perfectly sure that everything has been done. If we do not read them, and they are held to have gone to the committee yesterday, then if the view of the hon. member from Richmond is correct, the proceedings will be irregular from the beginning, and for that reason the wiser course is the one suggested by the hon. member from Richmond. When other petitions come in afterwards, if it should be discovered on further enquiry that his view is not the correct one, we need not deal with them in the same way.

HON. MR. MILLER—There has been an attempt to make something out of my statement that two of these petitions, which I had time to examine into, were presented and read. I find now, in the Journals under my hand, that four of these petitions were read on the 20th—the petitions in the Middleton, the Lowry, the Rosamond and the Bagwell cases. I have not had time to look up the other.

HON. MR. MACDONALD—Were these petitions received?

HON. MR. MILLER—I have not had time to see if the whole of them were, but here are four of the cases cited by my hon. friend from Amherst, in which the petitions were presented on the 18th and read on the 20th, and I find further that the father of these rules, Mr. Gowan, was present on that occasion. Certainly, the reading of the petitions must have accorded with the interpretation of the rules which he himself had framed. If I am wrong, I err in very good company.

HON. MR. LACOSTE—I think that the point raised by the hon. member from Amherst is a very important one, and one that should be settled. I have listened to the discussion, but my opinion is not yet formed. There is much to be said *pro* and *con*. My first impression was that my hon. friend from Amherst was right in his interpretation of the rules. Afterwards, on hearing the precedents cited by my hon. friend from Richmond, I came to the conclusion that the House followed another course. Under the circumstances, I think it would be prudent to let the matter stand for a few days. The debate might be adjourned until Tuesday next, by which time we can decide upon the proper course to be followed.

HON. MR. MILLER—The petitions could be read to-day.

HON. MR. POWER—There is this objection to letting the matter stand until Tuesday—the time for receiving petitions will expire on or before next Tuesday.

The petitions were read.

THE LATE SENATOR MACDONALD.

HON. MR. SMITH—It becomes my painful duty to announce to this House the death of one of our most esteemed members, Senator John Macdonald, of Toronto. I am sure that every one who hears me will share my regret at this sad event. Where he was best known the regret will be most deeply felt. He was a good citizen, a useful member of society and a man of great benevolence. I deeply lament his loss as a good friend and neighbor in Toronto, and I sympathize with his family in their bereavement.

HON. MR. SCOTT—I am sure that every member of this Chamber who had the pleasure of knowing the late Senator Macdonald will with great sorrow join in a tribute of respect to his memory. During the time that he was a member of this Chamber we all felt that he possessed a superior mind, that he had calm judgment and great equanimity—that he was a thoroughly benevolent and true Christian in all his characteristics. Though allied to one of the political parties of the country, the late Mr. Macdonald never felt himself tramelled by party political views. As a rule, in giving utterance to his opinions in this Chamber, we all felt that he was exercising an unbiased judgment. He was a man who acted from the very highest impulses of human nature. For some years past it had been Mr. Macdonald's custom, during the summer months, to visit other portions of the world, and he not only gave the public the benefit of his experience through the newspapers, but he also gave to this Chamber, time and again, most valuable opinions as to what was best in the interest of the Dominion to promote trade with the countries that he had visited. Some three years ago he went to the West Indies as a member of the Toronto Chamber of Commerce, and on the assembling of Parliament here afterwards he gave a most interestering speech on the subject of closer trade relations with those islands. The following year, when it was thought possible that Newfoundland would come into the Dominion, he visited that island and published a series of interesting letters in one of the Toronto newspapers, giving his impressions of the country through which he had travelled. Those letters were highly thought of in Newfoundland. The people there received him with open arms, and seemed to quite coincide with the views that he expressed. Last year his travels were in a different direction—over the western part of this continent and northward to Alaska and the disputed sea adjoining. Those who took an interest in Senator Macdonald's letters must have been struck with the kindly, generous, sympathetic Christian spirit which pervaded them. He seemed to be ever anxious to do good. Even in that remote country, Alaska, where his political or national sympathies were not aroused, he took a deep interest in rescuing the native children of the country from barbarism. He headed a subscription to place the native girls of that country in schools, where they would have the benefit of an education and be protected from the evil influences of the white man. Outside of his public life, Senator Macdonald was deeply beloved. He was a man of very benevolent character; his purse was ever open. God blessed him with great wealth, and he distributed it most generously and liberally. His great charities were most unostentatiously given. It is only now discovered, when he has gone, the very many persons who were receiving from his purse. Not this Chamber alone, but this country, has sustainad a great loss in the death of Senator Macdonald.

HON. MR. HOWLAN—I would accuse myself of very great ingratitude if I allowed this opportunity to pass without paying my tribute to the memory of the late Senator Macdonald. It was not my good fortune to have a lengthened acquaintance with him. He was a gentleman that I am proud to number among my friends. During the past year it pleased God to visit me with sickness when I was twelve hundred miles away from home. No man was more constant at my bedside than Mr. Macdonald, and his lofty sentiments and the breadth of his mind impressed me very strongly with the nobility of his character. He has left few men behind him like himself. He was a man of deep sympathies, profound thought and earnest convictions, and able at all times to express his views, not only with his pen but with his tongue. In the city of Toronto, where he resided, his loss will be greatly felt. He had been reared as a Canadian, not in the lap of luxury, but supported by his own industry, and he will take his place among those who aided in building up the Dominion. Long after we have passed away, and another generation takes our place, he will be included among those who contributed by their energy, their ability and their moral strength to the greatness of the country. Among them no name will be honored with greater distinction than that of John Macdonald, of Toronto.

HON. MR. MACINNES (Burlington)—In rising to address the House, I do so with a

feeling of the deepest sorrow. I desire to add my humble tribute to the memory of our departed colleague. I was intimately acquainted with the late Senator Macdonald for many years, and learned to know his worth and high character. His appointment to this honorable House, without reference to political or party lines, was a tribute to that high character. His appointment was alike honorable to him and to those who made it, and furnishes a valuable precedent for the future. Hon. gentlemen have been witnesses of the able manner in which he performed his duties in the Senate. In business he was scrupulously honorable and fair in his dealings; by his ability and good management he succeeded in accumulating a handsome fortune, and he has been largely his own administrator during his lifetime in his bountiful bequests to many charities, and he never sent away deserving applicants to his charity empty handed. When I heard of his illness and at about the same time the announcement of his princely charity to the hospital at Toronto, I wrote to congratulate him on his munificence and to say that I hoped he would soon recover his health, and that I should have the pleasure of seeing him here, and I have his reply, which is so characteristic that I will read it. He says:—

"I trust the hospital to which you refer may be made a means of blessing to the great suffering class which need the alleviation which it is designed to afford.

"I have been very ill. I am thankful to say that all the present indications are those of improvement, yet it is very uncertain whether I will be at Ottawa during the present Session, and may not have the pleasure of meeting you and my friends, which I am always pleased to do."

But it has been otherwise ordered. His was home life with his family. He cultivated the home affections. We can all appreciate what a sad bereavement has fallen on those near and dear to him, but it may be some consolation to them to know that they have the sympathy of this House and of all who knew him. Death deprived us lately of others of our colleagues, and I may be permitted to allude especially to the late Senator Turner, whom to know was to like and respect. His death is a great loss to this House and to the community amongst whom he resided, and to me personally the loss is irreparable.

MR. SPEAKER—I am sure the House will permit me to trespass on their time for a few moments to add my humble tribute to what has been so well and ably said in reference to the excellence and worth of our late colleague, Mr. Macdonald. I have known him for so many long years that I could not allow this occasion to pass without expressing to this House my strong sense of the noble character of a man who lived not for himself alone or for his own pleasure and enjoyment, but who lived and labored throughout a long life for the welfare of others, and who by his Christian example and influence, as well as by his munificent generosity, has done so much for his country and left a memory behind him which will long be held in reverence and respect. I shall say nothing of his political career, because that is well known to every one here, but I am sure I shall have the assent of every one who hears me when I say that from the time that Mr. Macdonald took his seat among us until the last time he appeared in this House, in everything he said and in every vote that he gave he was actuated by the highest and most patriotic motives.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

HON. MR. McCALLUM moved the second reading of Bill (A), "An Act to amend the Railway Act." He said: It will not be necessary for me to explain this Bill, because it passed this House last year and was defeated in the Railway Committee of the House of Commons by a very small majority. As it passed through the Senate without opposition last year I take the liberty of moving the second reading without further explanation.

HON. MR. LACOSTE—Is it precisely the same as the Bill that passed through this House last year?

HON. MR. McCALLUM—Yes; precisely the same.

HON. MR. SCOTT—When this Bill was before the Senate, on a former occasion, I took exception to it on several grounds, the principal one being, however, that railway legislation has always emanated from the Government of this country.

The Railway Act is a creature of the Government. Any amendments made to it from time to time have been offered by the Government—any important amendments, at all events. Only two years ago it was revised by the Government, and some very considerable changes were made. This Bill which is now before the House proposes to give the municipalities of the country a jurisdiction not now conferred by the Railway Act. I do not now propose to go into the details of the measure, because I assume that the House will confirm what they did last year when they adopted it. I think the course taken last year was, after reading the Bill the second time, to refer it to a special committee. Whether that should be done now or not I do not pretend to say. In the committee, some very considerable changes were made. I have not had time to analyze this Bill, but I take exception to giving jurisdiction to municipalities in reference to railway crossings, for the reason that every culvert put in a railway bank is an additional element of danger to the travelling public, and the municipalities are very apt to avail themselves of the opportunity to force these ditches through the railway banks when there are other means and methods by which the surface water could be carried off. I quite recognise that no railway bank should be allowed to interrupt the natural flow of the water. It cannot be done under the existing laws, whether it is a creek or a drain which existed at the time of the construction of the railway. Of course, from time to time, new drains are made in the country. In Ontario, very considerable powers are given to municipalities for the purpose of draining, and in that way new rivulets are frequently formed and made to extend for miles and miles. Although I have had some experience in this direction, I have not known of any particular case where the necessity of this Act has arisen. I have known cases were application was made to railway companies for such openings through their embankments, and I have always found the company, where it did not interfere with the safety of the line, willing to provide culverts to assist in the carrying out of the drainage. Of course, the railway bank is benefited by drainage wherever it can be safely done, and the railway companies are, as a rule, most anxious to have their right of way drained, because we know in the spring of the year, when the freshets occur, very serious delay and loss may result if the water is allowed to rise above the railway bank. The railway companies are therefore more interested in having good drainage than even the municipalities. I think the railway ditches should not be used for draining the surrounding country. I do not think it is right and proper, because it forces on the railway companies' right of way a larger volume of water than their drains and culverts are constructed to carry off.

HON. MR. McCALLUM—This Bill is intended to take off the water, not to put it on the right of way.

HON. MR. SCOTT—The railway ditch might not be sufficient to take away the water, and at some seasons of the year the accumulation of water might lead to accidents involving loss of property and even sacrifice of life. Many railway accidents in this country and in the United States have been due to this cause. The purport of this Bill is practically to throw on the railways the necessity of carrying away the water that accumulates on the lands adjoining their lines.

HON. MR. McCALLUM—Not at all.

HON. MR. SCOTT—I do not think it proper that any railway company should obstruct the natural flow of water. Under the law of Ontario, at all events, they cannot do so. If a railway company should in any way obstruct the natural flow of water an injunction can be obtained and the company is liable for damages. It is the natural desire of the land owners whose properties adjoin the railway track, to drain their lands by means of the railway ditches. I do not think it is fair or right that they should do so, unless the municipalities contribute in some degree to make the railway drains deeper and the culverts larger.

When a railway is constructed the drainage is provided for the requirements of the right of way. It a company's line runs through low land they must make their ditches so much deeper and their culverts so much larger, but they should not be required from time to time, as increased danger arises, to deepen their

ditches and enlarge their culverts in order that the adjoining lands may be relieved of the surface water.

HON. MR. FLINT—I took particular notice of this measure when it came up last year. I believe it is a Bill in the right direction, and I am as much in favor of railways and will do as much to facilitate their operations as any member of this House; but I am also desirous of protecting the farmers through whose lands the railways pass. There are instances within my own knowledge in which the railway embankments act as dams to hold back the surface water. The result is that the water sours the land and saps the foundation of the road. If the railways would build culverts in such places to carry off the water it would be an advantage to the farmers' lands and to the railway embankment. Therefore I think this legislation is necessary in the interest of the railway companies, as well as in the interest of the farmers whose lands adjoin railway tracks.

HON. MR. POWER—The first objection taken by the hon. member from Ottawa to the second reading of the Bill was that it was a measure which should emanate from the Government. I do not think that is an objection which will have much weight in this House.

HON. MR. MILLER—Coming from the leader of the Opposition!

HON. MR. POWER—The Government are simply a committee of Parliament, rendered necessary because Parliament is too big to sit throughout the year and to do all its business itself; but I do not think that any member of Parliament, who has proper respect for the body to which he belongs, should take the ground that it is not quite proper for a private member of Parliament to introduce any measure which does not tend to impose taxation upon the subject. That is the only limitation to the right of private members to introduce legislation. I regret that the hon. member from Monck, in moving the second reading of this Bill, did not give its history. I suppose he did not consider that it was necessary, not anticipating any opposition to the Bill. The act is that two years ago, when the Bill consolidating and amending the Railway Acts was before this House, the hon. member from Monck urged that the provisions contained in this Bill should be inserted in that measure. The leader of the House intimated that there was not time and opportunity just then to frame the amendment necessary to carry out the views of the hon. member from Monck, but he promised that at the next Session he would assist in perfecting a measure which would do what the hon. member from Monck wishes to accomplish, without unduly interfering with the rights of the railway companies. Last session the hon. member from Monck introduced his measure. It was read the second time, and referred to the Railway Committee, of which the hon. leader of the House was a member. The Railway Committee referred the Bill to a sub-committee, of which the leader of the House was, I think, the chairman. I had the honor of being a member of it, also, and I can testify to the very great pains which the members of that sub-committee, and particularly the leader of the House, took in framing this measure. It cannot be said that the interests of the railway companies were not properly represented; the leader of the House is largely interested in railways, as is the leader of the Opposition, who was also a member of the Railway Committee and of the sub-committee, and was present. This measure was carefully considered by the sub-committee and adopted by the Committee on Railways, reported to the Senate and passed by a very large majority; and, as the hon. gentleman from Monck has informed us, died in the latter part of the Session in the Railway Committee of the House of Commons. Under these circumstances, I do not think that there should be any objection at any rate to the second reading of the Bill. If, after all the labor that was bestowed upon it last Session the Bill is not quite perfect, there will be an opportunity in the committee for removing its defects. If, as I think will be the case, it should be found difficult to improve on the measure, we shall send it to the House of Commons, who are supposed more directly to represent the people, and if they choose to amend or reject it they have a perfect right to do so, and we shall have done our duty. As to the merits of the Bill, it is not perhaps necessary to say much. I understand that in the part of Ontario from which the hon. gentleman from Monck comes the need of this legislation is felt

more than in other parts of the Dominion, but I can myself testify to the fact that such a measure is desirable in other parts of the Dominion also. Where a railway embankment is carried along the side of a slope it acts as a dam to all the water flowing down that slope, and it is only reasonable that the railway company, who, by the construction of this immense dam, keep back the water on the adjoining farms, should afford, at reasonable intervals, the means of getting that water off and relieving the land. The Bill takes care, as might be expected (being largely the work of the leader of this House), to protect the interests of the railway companies. In the first place, this Bill does not authorize the municipalities to do the work; it makes provision for the work being done by the railway companies themselves, and if a municipality should demand the construction of a culvert where it is not necessary the railway company will have the right to appeal to the Minister of Railways or the Railway Committee of the Privy Council; and if, on an inspection of the locality, the Minister of Railways is of the opinion, or the Railway Committee of the Privy Council is of the opinion, that a culvert is not necessary, it is not to be constructed. The Bill is a perfectly just and harmless measure.

HON. MR. KAULBACH—I am surprised that there should be any opposition to this measure. The leader of the Opposition would drive people to the courts to get an injunction whenever a railway track obstructs the natural flow of water. We know how costly such litigation is and the delay that it entails. It is quite true that under the common law the natural flow of water cannot be stopped by any railway company, but this Bill contains equitable provisions in the interests of the whole public—in the interest of the railway companies as well as of private individuals, and it is applicable not only to Ontario, but also to every Province of the Dominion. I know in the Province of Nova Scotia there are large tracts of land which, if the principle involved in this measure was not recognized, would be of little value to their owners.

HON. MR. DICKEY—Is the Bill which is now before the House in the same form as the Bill which came from the Railway Committee last year?

HON. MR. McCALLUM—Exactly the same Bill, word for word.

HON. MR. DICKEY—I am very glad to hear that, because I hope it will relieve the House of the necessity of sending it back to the Railway Committee. We have no diposition to shirk work; but, at the same time, I see no necessity for taking up this Bill again if it is in the same shape as when it was reported from the committee last year.

HON. MR. LACOSTE—I think it is safer to send the Bill to the committee this year. Some of those who approved of it last year may have changed their minds in the meantime; and, besides, it is the regular course.

HON. MR. MILLER—The only course is to send it to the Railway Committee. As the hon. member suggests, some members of the committee may have changed their minds since last year, and if it is not sent to the Railway Committee it will have to be referred to a Committee of the Whole House, and that certainly would be less convenient than to refer it to the Railway Committee.

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

The Senate adjourned at 4:35 p.m.

THE SENATE.

Ottawa, Friday, February 7th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE GLOVER DIVORCE CASE.

MOTION.

HON. MR. DICKEY, from the Select Committee on Divorce, presented their report on the petition of Christiana F. Glover, praying for a divorce.

HON. MR. SANFORD moved that the report be adopted.

HON. MR. MILLER—I should like to know whether the leader of the House considers it proper that a report on a petition for divorce should be adopted without the ordinary formality of allowing it to stand over for a day in order that members may have an opportunity of examining it. The House should know what it is doing.

HON. MR. LACOSTE—The report has been read at the Table, and it merely states that all the formalities required under our rules have been complied with. This is merely a preliminary report, and I am under the impression that it has been usual, in this House, to adopt such reports when they are presented, unless an objection is raised by some member. If the hon. member objects to the adoption of this report now, it must stand until Monday.

HON. MR. MILLER—I do not object to the motion. I wished to elicit the view of the leader of the House on the question.

HON. MR. VIDAL—This is merely a preliminary report, stating that certain requirements of the House have been complied with. It does not deal at all with the merits of the case. It is simply doing what has hitherto been done, in former Sessions, at the bar of the House. I see no reason, under the circumstances, for delaying the adoption of the report.

HON. MR. MILLER—The report relates to very important matters in connection with the case before us. While I do not question the correctness of the report in any particular, still I think it was only proper that the attention of the House should be called to it, in order that we may know what we are really asked to concur in. The report having been read, I have no objection to its adoption, and I do not care if the same course be followed in all such cases; but let us understand clearly what we are doing.

The motion was agreed to.

BILLS INTRODUCED.

Bill (H) "An Act for the relief of Christiana Filman Glover." (Mr. Sanford.)

Bill (G) "An Act for the relief of Hugh Forbes Keefer." (Mr. Clemow.)

Bill (I) "An Act for the relief of David Philip Clapp." (Mr. Clemow.)

Bill (K) "An Act respecting the Board of Trade of the City of Toronto." (Mr. McKindsey.)

Bill (J) "An Act respecting the Great North-West Central Railway Company." (Mr. Clemow.)

THE WALKER DIVORCE CASE.

HON. MR. DICKEY, from the Select Committee on Divorce, presented their report on the petition of Emily Walker for a divorce.

HON. MR. SANFORD moved the adoption of the report.

HON. MR. MILLER—This is clearly a different case from the others. This report recommends that the petitioner be allowed to withdraw her petition and substitute a new petition. So important a step should not be taken without some explanation in justification of the course. I presume the leader of the House will not allow such a report to be adopted without due notice. I shall object to the adoption of the report to-day, because I desire to know why such a recommendation is made to the House.

HON. MR. SANFORD moved that the report be taken into consideration on Monday next.

HON. MR. ALMON—How will we know more about this report on Monday next than we know now?

HON. MR. MILLER—I presume that the gentleman who makes the motion, or the chairman of the committee, will be prepared to explain to the House why such a course was taken.

HON. MR. DICKEY—An appeal has been made to me to ascertain why this recommendation was made. The petition is irregular. One of the requirements of our rules is wholly absent—that is to say, there was no negativing of any collusion or any connivance; that was the only ground on which we objected to the petition at the moment. That, I apprehend, is the information that my hon. friend requires. All the notices had been given, and if within thirty days the petitioner should bring in a proper petition it would go to the committee, and the House would

decide whether the case should proceed any further or not.

The motion was agreed to.

SAFETY OF FISHERMEN BILL.

SECOND READING.

HON. MR. POWER moved the second reading of Bill (E), "An Act for better securing the safety of certain Fishermen."

He said—I do not think it necessary to go into any lengthened explanation of this Bill. The title, I think, will commend it to the House. It is not an unnecessary measure, because every season we read accounts of fishermen who have either lost their lives, or suffered great distress from the absence of the provisions of this Bill. There are certain modifications desired in the measure, which can be made when it comes before the Committee of the whole House. The hon. gentleman from Alberton has called my attention to the fact that they have no fog in the neighborhood of Prince Edward Island, and consequently, as the provisions of this Bill would not be required in the neighborhood of that favored land, it would be unreasonable to require the owners of vessels to go to the small expense which would be necessary to comply with them. The measure was discussed last year, when it passed through this House without a division. The sentiment of the Senate was almost unanimous in its favor. It failed to pass the Commons, because it reached that Chamber too late in the Session to get through. I beg leave, therefore, to move the second reading of the Bill, with the understanding that any objection to it may be dealt with on the motion to go into Committee of the Whole.

HON. MR. HOWLAN—I have no objection to the Bill passing, with the understanding that in Committee of the Whole it may be remedied in the direction that my hon. friend has just stated.

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

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Monday, February 10th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

MANAGEMENT OF THE WELLAND CANAL.

ENQUIRY.

HON. MR. McCALLUM rose to inquire—

What action the Government intends to take on the evidence taken before A. F. Wood, Esquire, commissioner, as to the conduct of the officials on the Welland Canal, in the management of that important public work?

He said: Some of you may remember that I made some remarks in this Chamber last Session about the management of the Welland Canal, and urged the Government to have an investigation into the conduct of Mr. Ellis, the Superintendent, and others in connection with the maintenance and repairs of that important public work; and for having dared to express my views and stated what appeared to me to be facts, I was threatened through the press by the Superintendent with an action for libel, laying the damages at ten thousand dollars. However, the action did not come off. The Government appointed a commissioner to examine and report as to the statements made by me from my place in this Chamber. I attended that investigation, and examined witnesses in behalf of the public and took notes of the evidence taken. I did not argue the question as to the evidence taken before the commissioner for this reason: there was a disagreement between the commissioner and myself as to keeping a record of the arguments, and having them sent along with the evidence to the Government and afterwards to the public. So I left the commission. After I left Mr. Rykert, M. P., argued the case in behalf of the canal officials, and the commissioner sent me a copy of what he, the commissioner, calls the balance of the evidence or testimony and Mr. Rykert's arguments in defence. My reason for alluding to the matter is that what is said to be the balance of the testimony puts me in a false light. I do not like to say it was wilfully done, although it looks like it.

But I consider it my duty to show that what is recorded as having taken place before I left is not correct. I cannot say

as to what took place after I left; but what took place before I left is recorded and published by the newspapers that had reporters present.

I was willing to wait patiently to see what course the Government would take on the commissioner's report, but the publication of this pamphlet by Mr. Rykert, who was counsel for the officials, and of the officials themselves, has forced my hand, so to speak. This pamphlet has been scattered broadcast over the country, and a threat was made that I was to be sued for libel. For anything that I should say in this Chamber I could plead parliamentary privilege, but I would not have done so had they brought their action, because whatever I stated I had good reason to believe was founded upon facts, and was prepared to prove in a court of law. I will now read the account of what occurred on the last day of the commission, as published by the newspapers. The reporters representing those papers were present from day to day while the investigation was going on, and one, at least, was not very friendly to me. The *Journal* report is as follows:—

"THE CANAL INVESTIGATION.

"SENATOR MCCALLUM PICKS UP HIS PAPERS AND LEAVES IN A HUFF.

"Commissioner Wood arrived here this morning, and shortly after 11 a.m. said he was prepared to hear the argument of Senator McCallum and Mr. Rykert. Mr. McCallum found fault with the arrangements where an official reporter was not present to record the statements, and picked up his books and left the room, apparently much annoyed, stating he would have the matter settled by another tribunal. Subsequently the commissioner ascertained that Mr. Ellis had secured a short-hand writer to report Mr. Rykert's speech, and made an arrangement whereby Mr. McCallum's speech would also be reported. This the commissioner was not bound to do; for, as he stated, argument was not statement of facts to be regarded as evidence, and when reported is generally at the expense of litigants."

Well, I was not a litigant: I had no more interest in the result of that investigation than any other person in the 5,000,000 of people who inhabit this country. I was there on behalf of the people—I was not a litigant, though I was treated as one from the beginning to the end of the investigation. Now we will see what the other paper, the *Star*, says:—

"THE WELLAND CANAL CASE.

"SENATOR MCCALLUM DECLINES TO PUT IN HIS ARGUMENT—MR. RYKERT'S CONTENTION.

"ST. CATHARINES, 13th November.

"The Ellis Commission met this morning to hear the arguments of Senator McCallum and Mr. Charles Rykert on the evidence given in support of the charges and the evidence in defence of Mr. Ellis. At the opening of the commission the Senator enquired if the argument was to be reported and printed in the same manner as the evidence had been, to which the commissioner replied that he had decided not to put the Government to the expense of furnishing a printed report of the argument, as it was simply a matter for his own personal benefit, and should not form part of his report. Mr. McCallum then stated that he wanted his argument reported and made public, bade the commissioner good day and left. The commission adjourned for two hours, and the Commissioner sent a letter to Mr. McCallum, stating that he would have the argument reported and a copy furnished him as he desired; but the Senator decided not to put in an appearance. Owing to the fact that Senator McCallum attached so much importance to the reporting of the argument, the commissioner employed a stenographer, who had been engaged by Mr. Ellis to report the argument, after receiving the communication from the commissioner that he did not intend to have the argument reported, but left it for the press. The commissioner expressed regret that the Senator did not avail himself of the opportunity he expressed such a desire to have. Mr. Rykert's argument, which lasted three hours, was logical and convincing. He reviewed the evidence at length, going through all the charges, all of which, he contended, were disproved; and, in conclusion, he submitted to the commissioner that his report to the Government must be that Mr. Ellis' management of the Welland Canal had been honest, efficient and impartial. The commissioner will to-morrow, weather permitting, take a trip over the canal."

I also remember what was said and what is recorded and put in as balance of testimony must have been got up afterwards from memory to answer a certain purpose, and which has the effect of placing me and my actions in a false position before any one reading what the commissioner is pleased to call the balance of the testimony taken before the commissioner. I think it best at this point to refer to what took place that morning which caused me to leave the commissioner without pointing out what the evidence proved in the investigation. In order to do so it will be necessary to read some correspondence, and you can be the judge of the commissioner's action. In the first place, as to this matter, my understanding with the commissioner was, when I left him on a Friday afternoon, that on the following Tuesday or Wednesday he would hear the arguments at St. Catharines, and Mr. Holland would take them in short-hand and put them in typewriting, and that they would be sent as part of the record, with the evidence, to the Government. But on the morning of the 13th November, the day that the commissioner appointed to hear the arguments, I received a letter from the commissioner dated at Madoc, 11th November, stating that for reasons that he would

explain when he would see me that he decided to send away Mr. Holland, the reporter. In the first place, I may say, some time before that I asked the commissioner to recall a certain witness that I thought would give important evidence, that is Mr. Page, the Chief Engineer of Canals. I had Mr. Page's letter to me to say that he was not sent for, and it annoyed me to think that the commissioner had not sent for such an important witness. Here is Mr. Page's letter to me :—

"CHIEF ENGINEER OF CANALS,
"OTTAWA, 5th November, 1889.

"*The Hon. L. McCallum, Stromness, Ont.:*

"DEAR MR. MCCALLUM,—On my return here this morning I received yours of the 4th instant, in which you mention having learned from the commissioner that I would be at St. Catharines next week to give evidence in the 'Ellis investigation.'

"I have not heard otherwise anything on the subject; no one has asked me. The commissioner has not written or said anything about requiring me, and it is not likely that I will be up at the time mentioned as a matter of choice.

"I suppose the inquiry is drawing pretty near to a close, and it is quite likely you will be glad, as it must have been a heavy tax on your time and patience.

"Yours very truly,
"JOHN PAGE."

I will now read a letter which I received from the commissioner:—

"MADOC, 11th November, 1889.

"*Hon. L. McCallum, Senator:*

"MY DEAR SIR,—I have not heard from Mr. Page yet. It may be he is away from Ottawa.

"I have decided, for reasons that I will explain when I see you, not to have the argument reported. Of course, I will hear it and take notes for my own assistance. I would suggest that you have a list of points made out that are embraced in your argument, to hand me when you are through.

"We will commence at 11 a.m. Wednesday to hear argument.

"I am, yours truly,
"A. F. WOOD."

Here is the letter which the commissioner wrote to me after I left the room on the last day of the investigation :—

"CUSTOM HOUSE,
"ST. CATHARINES, 13th Nov., 1889.

"*Hon. L. McCallum, Senator:*

"DEAR SIR,—I have adjourned the proceedings until two o'clock p.m. Taking into consideration your strong feeling as to what you consider important to you, I have decided to employ Mr. Johnson, who is here to take down the evidence and report the same in type-writing for you and Mr. Ellis' benefit.

"I shall be glad to have you present at the hour named, and I shall be glad to hear your argument.

"I have the honor to be, Sir,
"Your obedient servant,
"A. F. WOOD,
"*Commissioner.*"

The following is my reply :—

"WELLAND HOUSE,
"ST. CATHARINES, 13th Nov., 1889.

"*A. F. Wood, Esq., Commissioner, etc.:*

"DEAR SIR,—Yours is at hand; contents noted. In reply would say that after the strong felling that you exhibited this morning toward me, and I consider without cause, I spoke to you in the kindliest manner and in order to avoid such feeling.

"It will be best for me not to appear before you any longer. The evidence is in; we can all see it.

"I am, yours truly,
"L. McCALLUM."

I will now read the next letter that I received from the commissioner:—

"ST. CATHARINES, 14th Nov., 1889.

"*Hon. L. McCallum:*

"MY DEAR SIR,—I regret you did not give me the benefit of your argument yesterday.

"The following were my reasons for deciding to have the arguments reported—

"1st—I understood the arguments would be for my benefit.

"2nd—You stated different times to me that your argument would be 'very short.'

"3rd—On Friday last, after evidence closed, Mr. Holland gave a memo. of his account up to that time as about $1,700, and said it would be about $100 more to complete it if Mr. Rykert took all the time he claimed to state his case.

"4th—Intimations had reached me from Ottawa that the investigation was being very much prolonged.

"5th—I had used my best efforts to shorten it, but had no succeeded very much.

"6th—On reflection, at Toronto, I decided to take the points myself—as I suppose it was intended for me—and not add to the reporter's bill, and at once wrote Mr. Holland, and on reaching home wrote to you and Mr. Rykert.

"I was more than surprised at the position you took that your 'argument was wanted for the public.'

"To meet this, though differing entirely from your view as to what an argument is wanted for, I decided to employ stenographer Johnson—who was there at the request of Mr. Ellis for his benefit—and at once secured his services and wrote you, and adjourned until 2 p.m.

"At 2 p.m. proceedings were commenced by having recorded a letter from Mr. Bradley, stating there were 'no contracts for the pontoons, but they were built by agreement;' also a letter from Mr. Page, reiterating his statement that Mr. Ellis had been instructed to look after the Port Colborne gates—and enclosing a copy of such instructions. The date of Smith receipt was corrected from 2nd to 26th. You not being present, Mr. Rykert proceeded with his argument.

"If you will send me a copy of your argument and the points to which you wish to direct attention I will have them incorporated with the proceedings, and give due consideration to your points. In order to do this it must reach me by Tuesday night next— as the type-writer will not close until after that time.

"Conscious of having endeavored to discharge my duty without favor to any,

"I remain, yours truly,
"A. F. WOOD,
"*Commissioner.*"

I replied as follows :—

STROMNESS, 18th November, 1889.

"*A. F. Wood, Esq., M.P.P., Commissioner:*

"DEAR SIR,—Yours of the 14th I find here to-day on my arrival home after an absence of three days.

"In reply, would say that I regret that you would not allow what I wished to point out to you that I considered had been proven in the canal investigation to go in the record with the evidence.

"You offered by your letter of the 13th to take the arguments and put them in type-writing, as you said, for my benefit and Mr. Ellis', but you did not offer to report it along with the evidence. I, Sir, had no benefit to receive from any course that you might pursue only with the rest of the public.

"The reasons given by you for your actions in the matter in your letter of the 14th I do not consider of any value, particularly the matter of costs.

"You say that you understood that the arguments were to be for your benefit. What right have you to think that what I had given months time to prove in behalf of the public was only to be addressed to you, and for you to treat it as wind afterwards if you thought proper to do so.

"I wanted it for the public, and you refused to have it go with the evidence.

"2nd. You say that I stated to you that my argument would be very short. That is not a good reason, if it was a question of expense, as you say, for it would cost less to put in with the evidence.

"It would have taken me probably two hours or more to point out to you what the evidence shows to have been proven, and I consider that would be a very short time to give to the matter.

"I did not go there to give wind. At the time that I told you that it would not take me long to point out to you what was proven by the evidence I also told you that I would consider it my duty to comment on your ruling.

"Whether that had anything to do with your sudden change to not have the argument reported and put with the evidence or not you know best.

"The first intimation of the change to not have the arguments go with the record was from your letter dated at Madoc, 11th November, which I received at St. Catharines on the morning of the 13th, in which you stated that for reasons that you would explain to me when you would see me? Did you tell me? Yes; you told me after we had had some words about the argument. Then you gave as a reason that it would cost one hundred dollars; you further said that such expenses should be paid by the litigants and not by the Government. You must have forgotten that I was there in behalf of the public, who were paying the expense.

"Then I left you when you showed so much feeling, if not bad temper, as I did not consider I was a litigant, and would do the same again under similar circumstances.

"You also stated in your letter of the 11th from Madoc that you had not heard from Mr. Page. I requested you to send for Mr. Page two or three times, and you told me that you had done so. I have Mr. Page's letter, dated 5th November, stating that you did not send for him and that he was not coming as a matter of choice.

"Your letter to me of the 11th wants an explanation, at least with reference to Mr. Page not being recalled. He did not make his appearance, and he gves the reason why.

"I say to you in all candor that I know that the evidence proves, and further, when you ruled against evidence such as Booth's, Smith's, Bradley's, and when you gave Mr. Abbey a lecture about his evidence, which I spoke to you about privately at the time, that it would have the effect of keeping witnesses from coming to testify.

"I can remember the evidence given without giving it much further consideration; it, and the difficulties I have had to contend with to get it are impressed on my memory strongly.

"I will not now, at the eleventh hour, send you any memorandum that I have taken of evidence, as I would wish to comment on and explain them. You refused to take them once, except on your own conditions; therefore, you could not have considered them of much value, and I refuse to give them to you, except on the conditions then proposed, that my argument and what I would point out to you should go with the evidence to the public.

"You say, enclosing your letter of the 14th, that you are conscious of having endeavored to discharge your duty without favor to any.

"That, Sir, the public will be better able to judge after we see your report, and after that your sayings, rulings, and doings on the Welland Canal investigation will become common property, and until that time arrives I have no desire to discuss the question farther, unless public interest demands me to do so.

"I am, respecfully yours,

"L. McCALLUM."

Then follows this letter from the commissioner.—

"MADOC, 29th Nov., 1889.

"*Hon. L. McCallum, Senator:*

"DEAR SIR,—When in St. Catharines this week I found a registered letter for me, from you, bearing date 18th November. I received it on the 27th; I suppose it being registered was the reason why it was not forwarded. There are two matters in your letter that appear to need a reply—one a seeming misapprehension of what I meant when I proposed to have your argument 'put in type-writing,' which was that it would not be forwarded with the evidence. I intended it should be forwarded with the evidence and report, and now state, in order to meet your wishes, that if you will furnish me with your argument in manuscript containing whatever you may consider desirable as to my ruling, etc., I will have it put in type-writing and forwarded as a part of the investigation proceedings, to the Department at Ottawa, along with the evidence and my report, and in order to give you plenty of time to furnish it, I will carry out the above proposal if your manuscript is received by me any time before the 15th December next. I trust this will be satisfactory.

"The other matter is your reference to Mr. Page's attendance. I had written him, but receiving no answer as to his coming, and thinking my request was not definite, I wrote him a direct letter on the 7th November, with reference to your requiring him again before the investigation closed, and named Tuesday or Wednesday, the 12th and 13th November, as desirable days on which to take his evidence, and asked for a reply by telegram. I did not receive a reply before the afternoon of the 11th November. Herewith is a copy of my telegram then received, an extract from letter referred to received by me on the 13th at St. Catharines. They speak for themselves.

"It is the source of much satisfaction to me to know that in this investigation the evidence, ruling and argument on the ruling from time to time was taken *verbatim* by a stenographer.

"I have the honor to be,

"Your obedient servant,

"A. F. WOOD."

I will now read a copy of a letter from Mr. Page, the Chief Engineer of Canals:—

"OTTAWA, 11th November, 1889.

"DEAR SIR,—Your letter of the 7th inst. was received on Saturday last, requesting me to appear before the Canal Commission again to answer certain questions appertaining to canal management. In reference to this matter it may be stated that when before the commission on Wednesday, the 16th of October, I stated it would be well that all the questions intended to be put to me should be asked there, as it

would be very difficult for me to put in another appearance, as my duties are of a nature that they cannot be delayed without great loss and inconvenience to the public.

"JOHN PAGE."

Then, follows this telegram, which the commissioner must have had that morning, though he did not say anything to me about it.

"FROM OTTAWA, ONT., 11th Nov., 1889.

"*To A. F. Wood, M.P.P.:*

"Received your letter requesting my attendance at St. Catharines. I cannot leave here at present without great injury to the public service. Have written you to St. Catharines. Letter may be read in court if thought proper.

"(Signed), JOHN PAGE."

I will now read a brief note that I sent to the commissioner:

"STROMNESS, 5th December, 1889.

"*A. F. Wood, Esq., M.P.P., Commissioner, &c., &c.:*

"DEAR SIR,—Yours of the 24th ultimo is at hand to-day; contents noted.

"In reply, would say that I have nothing further to add to my letter to you of the 18th ultimo.

"I am, Sir, yours truly,

"L. McCALLUM."

I had nothing further to add to what I had already written the commissioner, as I made it a rule in life that if a man deceives me once I wish to have nothing further to do with him, and I came to the conclusion from the action of the commissioner on the morning of the 13th November, when he wanted to suppress from going to the public what I considered was proven at the canal investigation, he was not treating me properly, and that will explain my short replies to him:

"*RE* WELLAND CANAL INVESTIGATION.

"MADOC, 24th December, 1889.

"*Hon. L. McCallum, Senator:*

"MY DEAR SIR,—Herewith, per registered letter, I send you the balance of the testimony taken with Mr. Rykert's argument. I waited until the last available moment, hoping you would have forwarded your argument also. Of course, I have not been awaiting for argument to form an opinion, but it would have assisted me to reach conclusions with less labor. It has been no light task to go through the evidence again. You will find my report at Ottawa in the Department of Railways and Canals, when you desire to see it.

"I have the honor to be,

"Your obedient servant,

"A. F. WOOD."

I hope that the commissioner has arrived at a correct conclusion. I do not know what it is, but I know what it should be, and I think, hon. gentlemen, that you will agree with me what it should be, after I have explained the evidence taken and the commissioner's ruling as to taking evidence.

The following is the last letter that I will read:—

"STROMNESS, 28th December, 1889.

"*A. F. Wood, Esq., M.P.P.:*

"DEAR SIR,—Yours of the 24th instant is at hand, and also the requested document, which you say is the balance of the testimony taken with Mr. Rykert's argument.

"Thanks for the information as to where I will find your report. Will see it soon, after I get to Ottawa, if permitted to do so before given by the public.

"I am, yours truly,

"L. McCALLUM."

As to what the commissioner calls "the balance of testimony," it is not a correct report of what took place on the morning of the 13th November, although I under-r stand it is circulated around among members of Parliament by Mr. Ellis and his friends, with a view no doubt to create a favorable impression on his behalf. It is the usual line of creating popularity by deception. My reason for going into an explanation about this matter is to show you, hon. gentlemen, that I am not to blame if I trespass on your time in connection with that canal investigation. The commissioner divided my charges against canal management into sixteen charges. I did not object strongly at the time, as I did not care how he placed what I stated from my seat in the Senate last Session on canal management. But in coming to a conclusion I wish them considered as a whole, because any one of the alleged charges, if proved, should be enough to cause the dismissal of those found guilty. I will endeavor to point out to you as briefly as I can what I consider has been proved by the evidence, and where to find the evidence taken, the witness' name and page as put in type-writing. I have explained to you, and the correspondence between the commissioner and myself shows why I did not argue the question before the commissioner. I did not think I was treated fairly and I left. I refused afterwards to send the commissioner my arguments in writing, and I think that I acted properly in doing so from the sample of what the commissioner calls the balance of testimony. For some reasons that I do not know, the commissioner wanted to rush matters that morning. He was not to pay any money for anyone's arguments; that should be paid by litigants. After I left, you can see by Mr. Rykert's speech and the commissioner's remarks that they had a very pleasant time. Anyone reading it can see that there was

a kind of mutual admiration expressed between the defendant's counsel, Mr. Rykert, M.P., and the commissioner. You can see further that for the want of argument Mr. Rykert was paying a great deal of attention to the humble individual that is now addressing you—that is to say, no doubt on the usual line, if he could not say anything good of his clients he would make up the time in abusing those opposed to him. Evidently, he, Mr. Rykert, Q. C., M.P., was displeased in the way that I conducted the case in behalf of the public. He, Mr. Rykert, as you will see, tells the commissioner what I should have done and what I should not have done. But I was not there to please Mr. Rykert, Q. C., M.P. I did know from the first that I would have his opposition—that he, Mr. Rykert, was satisfied as to how matters were conducted on the canal. In fact, I have a letter in my hand and a copy of same in the Government's hands, stating that money was paid to a party by the Government for work that was not performed and that it was brought to Mr. Rykert's notice. But Mr. Rykert's reply was that he was no informer; so from that I took it that Mr. Rykert was satisfied with the canal management. But at the same time I was not then and I am not now prepared to accept his dictation as to what I should do or should not do in the canal investigation in behalf of the public. The commissioner, as you will see, at page 1866, when Mr. Ellis is giving evidence on this question, tells Mr. Ellis that the truth is the best. But he, the commissioner, prevented me from getting the truth by his ruling against me. He was looking for the truth as to the making of arrangements with the employés on the canal to pay Mr. Ellis' debts. Did he want to find it? You, hon. gentlemen, can be the judges of that. I would call your attention to his lecture to Alex. Abbey, his rulings on John Bradley's and R. A. Booth's evidence and his lecture to J. B. Smith, in which the commissioner says that (page 861) if he, Smith, could make such an arrangement with Mr. Abbey to get money that he might operate in a like manner with forty others. But by his ruling he prevented me from showing the others that were operated on in the same way as Mr. Abbey. So much for the commissioner's action in bringing to light the doings on the Welland Canal. No doubt you have heard of tramps looking for work and praying to God that they would not find it. Was the commissioner in this position—looking for money to pay Ellis' debts from the canal employés, and putting the glass to the blind eye, so to speak, like the celebrated Admiral Nelson. When you read the evidence you will be the best judges as to what was done in the way of borrowing money to pay Ellis' debts.

I do not want to say anything against the commissioner. He treated me as a gentleman all the way through, except the last morning. He ruled against me, as I thought, unfairly; but for that ruling he is accountable to the public.

You may remember that I made several charges against Mr. Ellis last Session from my place in this House. The commissioner divided my charges into sixteen, and I will try to deal with them as he has divided them. When I get through with these I will come to what I call maladministration on the canal. The following is the memorandum of charges as divided by the commissioner:—

"1st. Large expenditures for fuel, contrasting 1869-70, 1876-77, 1884-85, 1885-86, 1886-87. (See page 3 of *Hansard*, with speech.)

"2nd. Spending a large amount of money without authority from the Department—notably, building dock at Port Colborne: cost $4,000.

"3rd. That the location of 'dock' made it of no value. (See first column, page 3, *Hansard*, near bottom.)

"4th. Built Custom house and post office at Port Colborne, though the Department of Public Works had charge of construction, at a cost of $4,400. (See page 3, 2nd column, *Hansard*, near top.)

"5th. Allows employés to work for outside parties, and they are paid by the Government. (See page 3, 2nd column, *Hansard*.)

"6th. Allowed parties to be paid for work not performed. (See page 3, 2nd column, *Hansard*.)

"7th. Allowed the use of Government property without authority and free of charge. (See page 3, 2nd column, *Hansard*, bottom page.)

"8th. Moneys received and not returned at proper time, and some moneys retained and not credited. (See page 4, 1st column, *Hansard*, top page.)

"9th. Charge against J. E. Demare, Assistant Superintendent, causing trouble; questionable management of moneys. (See page 10, 2nd column, *Hansard*, bottom page.)

"10th. That improper influences are brought to bear upon men who suffer by giving information. (See page 11, 1st column, *Hansard*.)

"11th. In reply to Order of the House, did not give correct replies; says he could not. (See page 11, 1st column, *Hansard*.)

"12th. That he is arbitrary in his treatment of the owners of vessels passing this canal—detaining them without good reason. That he fined a tug owner $20 for the reason that he questioned his (Ellis') management. (See page 11, 2nd column, *Hansard*.)

"13th. Ellis and Demare are charged with having 'friends and pets,' and Demare with being a 'pet of Ellis'.' That in order to get work fitness is not required, but it is essential he should 'belong to the

clique.' (See page 11, 2nd column, *Hansard*—bottom.)

"14th. The Superintendent increased his favorite's salary (Demare's) without authority by $300 per year, when he was getting enough already, giving as his excuse that Demare had been promised an increase by the Chief Engineer, which the Chief Engineer, he says, denies. (See pages 11 and 12, *Hansard*, bottom of 11th, top of 12th.)

"15th. That he allowed water to flow into the canal from Lake Erie in January last, though he had plenty of men to prevent it, causing an estimated damage of $25,000, as stated by the Chief Engineer. (See page 12, 1st column, *Hansard*, bottom.)

"16th. That Mossip could not get work, while less deserving were receiving employment every day. (See page 12, 1st column, *Hansard*, middle.)"

Of these charges, the 10th is the only one that I have not proven. I have not touched it, and you can readily understand why. You can appreciate the feelings that guided me in this matter. I did not want that any one should suffer for giving me information; I did not desire that any man's family should want for bread. During that investigation men came to me and begged of me not to call them, because if I did so they would be discharged—not only men employed on the canal, but men working for people who were receiving favors from Mr. Ellis. Therefore, I did not touch that charge, and if I had to go through the same thing again I should act in precisely the same way. I did not want to injure any one, and besides, I consider there was sufficient proof elicited during the investigation to render a dismissal of Mr. Ellis and his deputy necessary in the public interest. You cannot imagine the difficulty I had in getting evidence. Just think of it! Here was John Charles Rykert, member for the County of Lincoln, a leading lawyer and Queen's Counsel, and he had appointed pretty nearly all the men in that section of the Welland Canal. I had him, with all his ability and influence, against me. There were Mr. Ellis and his deputy, who had control of most of the men who came to give evidence, and they had to be dragged like cats by the tail to get them before the commissioner. On the other side there was only the poor individual who is now addressing you. When I first went to St. Catharines you would think I was a leper. Nobody would speak to me; there were spies employed to report the names of those who would call on me, and boasts were made that I would be driven out of St. Catharines in twenty-four hours; but I did not run. On the 14th charge I may as well say a few words here. This question of increasing Mr. Demare's salary is an important one. The reason given for doing so was that he would not remain in the employ of the Government unless his salary was increased. If you look at Mr. Rykert's pamphlet you will see that he asserts that Mr. Page swore that the increase of salary to Mr. Demare was settled by an Order in Council, but that pamphlet contains anything but the truth. I do not wish to blame the Government; I did not do so; but so far as I can learn this additional $300 has been given to Mr. Demare without any authority—no Order in Council has ever been passed sanctioning the increase. Mr. Demare had been getting $900 a year, a house, rent free, and an allowance of $100 a year for a horse, although his work did not extend over five or six miles. I said then that it looked to me as though he was getting pickings, and before I get through I will endeavor to show what the pickings were. Although he goes into the witness box and swears that he did not get any, three of his friends swore that he did, and I think their evidence will be believed against his, when he is a witness in his own interest.

Another charge that is proven beyond doubt, on the evidence of Mr. Page, is that Mr. Ellis allowed the waters of Lake Erie to flood the canal when he had plenty of men to prevent it, and through his negligence caused a loss of $25,000 to the country last winter. You may say that was only a blunder, or the result of forgetfulness. I would be just as willing as any one to forgive a man for such an accident, if he was all right otherwise; but when his mismanagement is apparent everywhere along the canal, and when everything is turned to his own interest, he cannot be excused for allowing such a disaster to take place. I have taken a great interest in the Welland Canal. I was one of the first men of the country to urge on the Government the enlargement of the canal and I wanted to see it well managed. Instead of being well managed it has been managed extravagantly. I could show the Government where they could save tens of thousands of dollars. I have no doubt that the Government will yet dismiss these men who are guilty of mismanagement from the public service, but they are slow about it, and an attempt is being made to let them down easy. I intend to take up these charges one after

another and deal with them, but I may here say a few words about this man Mossop who has been accused of giving me the information that has led to this investigation. You can readily understand how bitter these people are against Mr. Mossop. They have tried to destroy his character. If you believe the evidence of these self-interested parties you will say that he is a very bad man; but those who worked with Mossop speak very differently of him. However, that has nothing to do with the question. If Mossop was the worst man in this country, that does not excuse the mismanagement on the canal; and I may say further, that Mossop is to-day out of this country, trying to earn bread for his family, while the men who have mismanaged the canal are living on the public money.

I shall deal with these charges *seriatim.*

As to the first charge, I might say that I have paid but little attention to it; but there is one thing I have proved, and that is that the lock tenders were not thieves before Mr. Ellis came to manage the canal, as was stated by him in his letter to the Department, dated 6th April, 1889. The statement made by me, from my place in the Senate, as to the expenditure for fuel on the Welland Canal, is correct. If you will look through the Public Accounts and Sessional Papers of this country you will find that it costs as much (if not more) to furnish fuel for the Welland Canal as for all the other canals in the Dominion. And if you will take the trouble to do so, you will certainly come to the conclusion that we have a cold climate in the Niagara district. George Longlet, teamster, St. Catharines (see page 1542 of the report), says that:

"One-half a load of coal was delivered in the cellar under the lock house, at the north end of the house—that is Demare's cellar. I was teaming for McCordick. There was coal in the bin where I put it."

Now, if it had been a full load I should not have been able to prove anything. I had not time to follow it up. I gave as much time to the public in that investigation as I could afford, and that is why I was so anxious at St. Catharines that morning to close up the matter. I did not want to have to come here and trespass on the time of this House again, as I am now doing; but no other course is left to me, since the publication and distribution of Mr. Rykert's pamphlet. It is alleged that the cellar of that house at Port Dalhousie was built on a swamp. To my knowledge that house had been built on a rock foundation forty years before. I will touch on this question again before I get through. It was very convenient for these people, as you will see from the evidence, to find a swamp in the cellar when they wanted to cover up a job. The second charge is the expenditure of a large amount of money without authority from Parliament. I shall refer first to the construction of a bridge over Shiner's Creek, at a cost of over $1,000. This expenditure took place after I had called attention to the mismanagement of the canal. It took place without a report in its favor from the Chief Engineer, and without the knowledge of the Government. If Mr. Ellis had any self-respect he would resign his position, in view of the snubs he has received from the Department from time to time; but he hangs on like a burr, and he will not drop off until he is scraped off. Another work on which Government money was expended without authority was the building of the spoke factory bridge. The particulars of it will be found at page 533 of the evidence. The expenditure on that bridge for cement was $84, and for stone $91. I do not know how much labor was employed on it. I would refer you to the evidence of Steven Beatty, at pages 534 and 535 of the evidence. He shows it to be a township bridge. At page 754 of the evidence Mr. James McCoppen, president of the Stone Road Company, says that the Government had always refused to build or repair the bridge over Shiner's Creek, the same place where Mr. Ellis built an expensive bridge without the least authority. This was done in April last. I want to impress that on your minds, because the Government took him to task and asked him why he was spending so much money. He never said a word about it, and when I questioned him before the commissioner as to whether he had reported to the Government what he was doing, he replied: "No; I did not think they would expect it." I then asked him had he any authority for building it, and he replied that he had not. The Government at the same time asked him for an explanation. Now, what was his reason for hiding it from the Government? I do not know as a fact, and I will not give rumors. Mr. Page, the Chief Engineer, at page 1394 of

the report, says that he did not authorize any expenditure on Shiner's Creek bridge —that he reported against it—that such a work should be done by a vote of Parliament. I do not think you want any better evidence than that. Mr. Ellis himself, at page 2183, says that he did not report to the Government that he was spending $1,000 out of the canal appropriation to build the Shiner's pond bridge—that he did not think it necessary or that they would expect it. The Government could not have known that he was building that bridge. At page 1891 he says that he got instructions from Dr. Ferguson, M.P., who said that he received the consent of the late Hon. John H. Pope to build the bridge out of the canal appropriation, because he could not go to Parliament and get a vote in the face of the engineer's report. I knew John Henry Pope for a long time, and from my acquaintance with him I know that that is not the way that he did business. He might have said to Mr. Ferguson: "Well, if you can get Mr. Ellis to build it, all right." But when was that? Two or three years ago; and the Hon. John H. Pope had departed this life before the work was commenced. If Mr. Ellis had any authority to build it, if he thought it was right to build it, why should he hide it from the Government? When they asked him why he was spending that money he did not give a straightforward reply. I asked him: "Did you not put it on the margin of the pay list, the same as other matters?" and he said: "No; the Government could not expect it. I got orders from Ottawa to not put it in the margin?" I do not credit that. Last year in this House I made a good deal of fun of his report on the three canals that he had under his charge, that he took care to mention that he drove a spike, that he put a link in a chain, that he put in a window glass, that he caulked a punt, that he filled a crevice in a valve with straw and manure. He loaded down his report with straw and manure, but he could not tell where hundreds of dollars had passed through his foreman's hands. Of course, it is not very pleasant to the Government to have one of their officials shown to the public in that way, and I have every reason to believe that he was instructed not to load down his report in that way again; but they did not tell him to conceal from the Government that he was spending a thousand dollars to build a bridge at Shiner's Creek. At page 134 Nathan Morey gives evidence about building bridges on the stone road and street railway and across mill races, and about building chutes at the hydraulic race. I would refer you to the leases between Calvin Phillips and the Government, and the Hydraulic Company and the Government. Some years ago the Government of Canada leased to Mr. Calvin Phillips sufficient water power on the Welland Canal to drive six run of stone, for which they get the magnificent sum of $150 a year. The balance of the water power from Lock 10 to Lock 2 on the Welland Canal is leased to the Hydraulic Company at $125 a year. It was an improvident bargin, but still it is a bargin and must be carried out to the letter. But the money of the country should not be expended in building structures for the benefit of people who enjoy these rights at such small expense. The least they can do is to make such improvements as those I have been describing. I find they are paying any amount of money to cut ice during the winter for these people—work that they should do themselves. Why does Mr. Ellis do this? To get popularity and to get something else besides, as I will show by-and-by.

HON. MR. McINNES (B.C.)—What? Not melted ice?

HON. MR. McCALLUM—A testimonial. At page 552 of the evidence Nathan Morey is recalled, and he says that the bridge on the stone road cost about $285, that it was made wider—that it is 42 feet wide by 24 feet long. This is a bridge across the raceway where some enterprising people in the city of St. Catharines have built a street railway. The chutes at McCormick's he says cost $623.75, and from the second race into the lower race it cost $495 (see pages 1526 and 1527). The first chute (the one which cost $623) I believe the Government had a right to build; but the public had no right to be assessed for building the other one. It should have been constructed by the Hydraulic Company, as I will show further on when we come to that subject. Then there was a bridge built across the race from the stone road to the knitting factory at a cost of $294.33. The man that gave these figures must have intended to create an impression that he was very accurate, but I am a pretty good judge of such work.

I have seen these structures, and I know the cost of them is put down at the very lowest figures that a man's conscience would allow him to give. My conscience would not allow me to put it at so low an estimate, and I know something of carpenter work and am a judge of timber, paint and iron. Whatever the cost may have been, we have no more to do with that work than we have to do with the public works of France.

This man Morey built a boat house for Mr. Ellis. You will say it is all right, that there is no reason why Mr. Ellis should not have a boat house; but he has no less than three on the Welland Canal. I did not take any evidence as to who paid for the boats, but the cost of the boat houses, without taking into account the value of the stone work, was $112. Mr. Ellis has three of them,—one at Port Colborne, one at St. Catharines and one at Port Dalhousie. I would refer you to the evidence of O. J. Phelps, M.P.P., at page 1537 of the report, to show that he built his own bridge. Now that was perfectly right. But when I took the evidence of Mr. Merritt, who is one of the stockholders in the Hydraulic Company, he admitted readily that under their lease they had to build their own structures, all but the upper race, and to pay the Government $500 a year. I do not blame the Government for having leased those valuable water powers for such low figures, but I do blame the Government, if they continue to allow their officials to squander the public money on structures which should be built and maintained by the lessees.

Captain Sylvester Neelon, as respectable a man as there is in this country, says, at page 2334, that the chutes from the upper to the lower race were built by subscriptions from the millers and manufacturers; but since M. Ellis has had control of the canal he does all this sort of work, and considers it beneath him to consult the Chief Engineer of the Department on the subject. He says that he, and he alone, is responsible to the people of this country for the proper administration of the Welland Canal. As I stated before, he constructs these works for the purpose of increasing his popularity, and for something else; and that fact will give you some idea of the difficulties I had to contend with at this investigation. The witnesses who were called were respectable men, but they were opposed to me, and the only reason I can give for their opposition is that they were milking the Dominion cow. One of them, I thought, had a very short memory. I refer to Captain Norris, who came there, and when I asked him who built these chutes formerly, his reply was: "I own the lower race." I asked him who built the chute from the second to the lower race formerly, and he replied that Captain Neelon could tell me that. Of course I asked him no more, because I thought Mr. Neelon's evidence would be quite sufficient. Then Mr. Norris asked permission to make a statement to the commissioner and complained that I joked him on the street that he should be satisfied with Mr. Ellis because Mr. Ellis had cut the ice in his pond. Now, I thought Mr. Norris should have been above retailing a private conversation which was nothing more than a passing joke on the street. However, there is the fact in the evidence, that he could not tell me who built the chute formerly. Now, what does Captain Neelon show? He says that the chutes from the upper to the lower race were built by subscriptions from the millers and manufacturers formerly, and that Mr. Norris was the man that had constructed them. Now Mr. Norris might have answered my question and stated the fact that the chutes were built by himself in the first place, although Mr. Ellis has since kept them in repair at the expense of the country. We have a system of water works at Port Dalhousie. They were built by Mr. Ellis without authority. We have a lot of plant at that place, but there is a watchman there, and I suppose the property is insured. At page 800 of the evidence Jonathan Woodall says that a firecracker set fire to the roof of Mr. Demare's house, and that in order to put out the fire he had to carry the nozzle up to the top of the house. Then at page 1420 Mr. Page says that this inefficient water works was built at a great expense to the country without his authority. At page 1394 the Chief Engineer says that he gave no authority to build the Albert street culvert and the knitting factory bridge. How much do you suppose this Albert street culvert cost the country? Over $6,000; and yet Mr. Ellis built it without any authority. Neither was Mr. Page consulted about the building of the bridge over the stone road for the street railway company or the building of the dock at Port Colborne; he

was not consulted about the repairs made to the canal office at St. Catharines. Mr. Ellis says, at page 2318 of the report of the evidence, that he consulted Mr. Carter and Mr. Secord, but did not consult Mr. Page, the Chief Engineer, about the building of the dock at Port Colborne; he consulted his subordinates, but did not think it worth while to consult his chief. Now that dock is of no value to shipping as the evidence clearly shows. It was a pure waste of the public money. I saw the dock last year, and knew all about it, and knew that it was worthless, owing to the place where it was constructed. Charles Carter, the harbor master, in his evidence at page 1291, says he does not know what the dock at Port Colborne was built for, that Mr. Ellis ordered him to have the tugs lay there, and that he made them go there for ten or twelve days until they knocked their wales off, and then they would not remain there any longer. That dock was built at a point where it was exposed to storms on Lake Erie, and when a breeze comes down the lake no craft can lie there. When the dock was built the harbor master wanted to show that it was of some value, and he tried to compel the tugs to remain there, but when they found they were knocking their wales off they had to leave. At page 1292 Mr. Carter says that all parties at Port Colborne interested in tugs remonstrated about it. At page 1293 he says that he carried out Mr. Ellis' orders until the tugs began to knock themselves to pieces. Some of the vessels had to be towed away to save them from destruction. At page 1316 Edward Armstrong stated that if he did not get redress he would go to Ottawa about it.

George Ross, in his evidence at page 1318, also comments on the absurdity of building a dock in such a place for tugs to lie in. I would refer you also to the evidence of Sperry Carter, Daniel McGrath, Edward Armstrong and Henry Mawdsley, all to the same effect, all pointing to the fact that the building of that dock was a pure waste of money. I do not care to go into all the details of this evidence, but I have a copy of it here which was furnished to me by the commissioner and paid for by the country. I have read it over three times to get at the facts, and I have no further use for it. The evidence about the dock at Port Colborne is conclusive that it is of no value whatever to the public.

I come now to the fourth charge, and I turn to the evidence of Mr. Page, which will be found at page 1397 of the report. I put the question to him: "Did Mr. Ellis ever consult you about building a Custom house and post office at Port Colborne out of the canal appropriations?" He answered: "No; if I had been consulted I would not have sanctioned it." Mr. Ellis was not satisfied with trying to control the Department of Railway and Canals, but he must control the Department of Public Works also. If he knew anything at all he must have known that the construction of such a building was within the province of the Department of Public Works.

Now, what was the result of his unauthorized action? Nobody owned the building when it was completed, and the Government had to pass an Order in Council to give it to the Department of Public Works. I have mentioned how the Department of Railways and Canals tried to control this gentleman. I had no evidence taken on this point, but I have documents here to prove what I say. I shall now read some letters from the Department to Mr. Ellis in regard to the expenditure on the Welland Canal in April last, and Mr. Ellis' replies, showing that the Government has been after him with a sharp stick since I last moved in Parliament. The first letter is as follows:—

"OTTAWA, 11th May, 1889.

"SIR,—The pay-lists for the Welland Canal staff and repairs for the past month have been submitted to the Chief Engineer, and for his information I am directed to say that an explanatory letter should accompany pay-list, stating at what work the carpenters and masons named on the list were engaged; where, and at what the laborers were employed; what so many machinists were doing—in fact, full details of the service on which the respective men were engaged; the reason in each case why the men are expected to be paid for more than twenty-six days in a month, and why it was necessary to do the different works undertaken. More details and information should also be given for the supplies furnished, and where used.

"Nothing can be done towards sending the money for April pay-lists until the information asked for is furnished and proved satisfactory.

"I am, Sir,
"Your obedient servant,
"A. P. BRADLEY,
"*Secretary.*

"W. ELLIS, Esq.,
"Supt. Welland Canal,
"St. Catharines."

The Government ought to be applauded for this attempt to control Mr. Ellis since I brought his conduct under their notice. I

think, in the end, he will have to "walk the plank" in the interest of the country. No government can keep him.

Here is Mr. Ellis' explanatory letter:—

"SUPERINTENDENT'S OFFICE,
"WELLAND CANAL,
"ST. CATHARINES, May 13, 1889.

"A. P. BRADLEY, Esq.,
"Secy. Dept. Railways and Canals.

"SIR,—In reply to your letter No. 78397, I beg to state that I was sorry not to have had the pleasure of the usual visit of the Chief Engineer when the water was drawn off the canal, so that I could have shown all he asks for so much more satisfactorily than by writing. I could have shown him the dangerously rotten condition of things in several places that I dare not any longer postpone renewing and rebuilding, without putting myself in the position of being held accountable for the loss of human lives and the consequences arising therefrom to the Government as well as to myself, and also the possible accidents from rotten gates, lock walls undermined, &c., that might lead to serious accidents and washouts, stopping navigation and throwing hundreds out of employment in the mills and factories.

"I may say that I have made it a rule wherever possible (believing it wise and my duty) in renewing and rebuilding to do so always with stone and iron, instead of wood, thus putting an end to any more decay and expense of repairs.

"The bridge I have just completed across the important raceway that runs alongside Lock 24, Albert street, Thorold, over which a great deal of traffic passes, was built of wood long ago, and has for some time past been a cause of much anxiety to me, having become unsafe, and I provided for its rebuilding last fall by boating down a large quantity of the old surplus stone from Welland that came out of the old lock at that place for the purpose, and attacked the job the moment the water was drawn off, took away the old rotten bridge, and built the present permanent structure. The foundations proved very treacherous and troublesome, and I had to go down deeper than I expected. The banks on each side were consequently high, and threatened to slip, but by putting on a big force and working nights (by electric lights put up on purpose) and days, every available hour, we got the foundations put in, and the masonry built up to the high water mark. Within the two weeks advertised the water would be out of the canal, and the mills above started as usual. Since that I have carried the walls up, put iron girders across (twenty feet width between walls), turned segment brick arches across between the girders, filled up spandrils and flushed all up with concrete, covering same with coal tar, put on the old macadam and allowed traffic over again as usual the end of last week. This bridge has cost a good deal, but it is a permanent structure, and will never cost a dollar any more for renewals or repairs.

"The accompanying photo. was taken when the walls were, say about two-thirds the height.

"It was in building this bridge where all the overtime was made that was enquired about, except by the men on new canal, who had to attend to broken cables and during nights. The temporary bridge that I threw across the Chippewa Creek last year was again utilized in this case across the canal above Lock 24, the same piles and top work being used very advantageously, and without delaying travel a minute.

"I had everything ready to submit for Chief Engineer's approval, expecting him up, as he has always been, every spring since I have been here, and I shall be greatly disappointed if he does not say an excellent and suitable job has been done.

"*Masons.*—The stone work both sides of entrance to Lock 1, new canal, above the head gates, were seriously displaced. These were all taken up, and put in place, well drivelled and backed up by widening the walls at that point. This was mason's job, also pointing all weirs where needed, some retaining walls were rebuilt, and the walls of the bridge near spoke factory, Merritton, across the wide race there had become unsafe and had to be put in order, and paving done to prevent foundations being seamed under. The weirs along the old canal generally require some pointing every season to keep them in proper order, and masons attended to that work last month.

"The four machinists enquired about (as the accountant designates them) are handy men. Two have the entire and special responsibility of looking after and keeping in order the water wheels and shafts of the locks throughout, and have to examine them all carefully daily; the other two attend to the rest of the lock gates and weir machinery, and cables throughout. Breakages often happen in the night, when overtime is made by them in attending to same.

"*The Carpenters* are employed at so many different places it is almost impossible to convey by writing, in a letter like this, anything but a mere outline. A great deal of time has been consumed making and putting on new bridge for the lock gates; many binders have been put on gates replacing broken ones; one of our large scows has been partially rebuilt, so as to be ready, when the Chief Engineer proceeds with the concreting work at Port Dalhousie; similar rebuilding of scow is going on at Dunnville. The old bridge across old canal above Lock 2 has had to be partially rebuilt or lives would have been lost. The bridge across Choplin's race had to be overhauled also. New rack about 70 feet long had to be made, and piles driven to support it above Lock 25, old canal. Temporary bridge across canal built above Lock 24; bulkhead built on Lock 23 level. The floats protecting the various bridges, new canal, have required a good deal of attention and are considerably broken up. Carpenters have to attend to a great variety of jobs always, to see that everything is ready for the opening of navigation. The foundation of bridge, Albert street, Thorold, had to be put in; the locks and lock gates examined and faced up in several places and put in working order throughout, also the weirs and aprons throughout, and these latter items consumed a good deal of time.

"*The Laborers.*—Time has been taken up to a great extent in digging out old or 'started' snubbing posts, and substituting better and stronger; in many places much has to be done in that way to keep safe. Various leaks are generally discovered after frost goes out—there have been a number of these—which have to be properly attended to and puddled; overtime often has to be made at such jobs, stone loaded and unloaded. Welland and Thorold—Stone quarried for backing for Albert street bridge, fences built in several places where notice has been served by adjoining owners of suits for damages unless attended to. The opening of ditches and culverts throughout the entire distance of all three of the canals after the spring and winter floods and freshets requires a large amount of time from all our gangs of laborers; also, filling up slips and washouts, bad ruts in tow-paths and ends of bridges, and culverts which get washed out. Driftwood and logs have to be attended to everywhere before opening of navigation. Floats at Port Colborne and elsewhere—after ice disappears—require attention. The toll house at Dunnville has been removed back some ten feet and made available for lock-tender's residence. Beach gravel has been scowed for lake to Dunnville embankment. The excavating required down to foundation of Albert street bridge and wheeling it away for both the walls and then wheeling it back again as masonry was built up,

and ramming the same, &c., required, of course, a great deal of laborers' time, as also the working derricks, and attending upon the masons, &c., &c.

"The lock chambers had to be cleared out where necessary. In one case mud 4 feet high on one side of the lock chamber was found and removed; a considerable amount of laborers' time was used in stoning up and facing banks where the water was out and admitted of such necessary protective work being done. The raceways were cleared out everywhere, as usual, where necessary; leaky places attended to and puddled; bulkhead foundation on Lock 23 level was dug and puddled. The above descriptions cover a large amount of absolutely necessary work—nothing has been done anywhere that was not absolutely required to be done, and, I beg to respectfully submit, done without waste or carelessly. Still, many things have been done of course I cannot think of to mention in this letter.

"GENERALLY.

"I see, in referring to previous years' expenditures for the repairs, and for months of April, they have sometimes been above, and sometimes a little below the amount of last month. In 1887-8 they were lower because of deepening and widening going on, which left me much surplus and enabled the erection of the building at Port Colborne so much needed.

"The Albert street bridge is the last of any expensive work required that I know of, and I am sure that cost 25 per cent. less than if done by contract.

"*The Bills of Supplies.*—As we don't keep copies of these, and they are all down at Ottawa, I am unable to make any special references about them. Our supplies bill, like our pay-rolls, are always necessarily very much larger than at any other time (in the spring month). I need hardly say I shall be pleased to go over the whole of the items, either of supplies or anything else, with the Chief Engineer, whenever he may so desire. I think it will be found the bills for the supplies generally show on the face of them where the goods have been delivered, and what they are required for. I know I have always tried to get that rule observed ever since I came here, so that at any time in the future they would explain themselves.

"I may conclude by remarking I asked, under the head 'Supplementary Estimates required for the year ending 30th June, 1889':

"'To erect permanent stone bridge across raceway under Albert street, town of Thorold, in lieu of existing rotten structure, $2,000.'

"And on page 47 in the Blue Book 'Estimates,' 'Overhauling superstructure of Port Dalhousie pier, removal of shoals, also construction of piers for bridge at Thorold, $30,000.'

"Since the receipt of your letter this morning I have devoted myself every minute of the time since, to the exclusion of everything else, to furnish the information asked for, and hope it may be sufficient and satisfactory, as the time for closing the mails has arrived within a few minutes, and our men are already beginning to call upon the paymaster, as also the merchants—the 13th being the day he usually commences paying.

"Your obedient servant,
"WILLIAM ELLIS,
"*Superintendent.*"

You can see by this letter that the Superintendent does not explain the expenditure of over $1,000 on the Shiner's pond bridge (a township bridge), which was reported against by the Chief Engineer. He built that bridge at the request of a member of Parliament, and by his action in this manner conceals it from the Government.

Further, Mr. Ellis says that the "carpenters are employed at so many different places that it is almost impossible to convey in a letter like this anything but a mere outline."

Could Mr. Ellis have been thinking then of the carpenters that he had employed at his house, as the evidence at the canal investigation shows.

In fact, Mr. Ellis goes over a whole season's business in order to explain his paylists on the Welland Canal for the month of April, and putting in works that has not been performed, and leaving out important works, such as the Shiner's pond bridge, built without authority. But it is a satisfaction for me to know that the Government are looking after him sharp, as to money expended on the Welland Canal lately. They should have done so long ago in the interest of the country.

Whether my action in this House has brought about this result or not, by bringing it to the notice of the Government, you, hon. gentlemen, can judge.

Now, what does Mr. Bradley say:—

"OTTAWA, 20th May, 1889.

"SIR,—The Department has had under consideration your explanatory letter of the 13th instant, with regard to certain heavy expenditure incurred by you in connection with the works under your charge on the Welland Canal.

"While recognizing the necessity for the due maintenance of works and the responsibility resting upon you in the matter, I am at the same time to say that important structures, such as your letter shows you to have built, are of a character exceeding the limits of ordinary repair and maintenance, and involving, as they do, serious cost, should not be undertaken without previous full explanation to the Chief Engineer of Canals and on the special authorization of the Department. The Department is therefore compelled to impress upon you strongly the view that the powers entrusted to you are not unlimited, and that the exercise of those powers must in all important cases be subjected to the decision of this office, upon which the responsibility for the results entailed ultimately falls. It is trusted that you will not fail to guide yourself in the future by those observations.

"I am, Sir,
"Your obedient servant,
"A. P. BRADLEY
"*Secretary.*

"W. ELLIS, Esq.,
"Supt. Welland Canal,
"St. Catharines."

You would think that ought to be enough, but no! Here is another letter from Mr. Ellis:—

"SUPERINTENDENT'S OFFICE,
"WELLAND CANAL,
"ST. CATHARINES, 21st May, 1889.

"A. P. BRADLEY, Esq.,
Secy. Dept. Railways and Canals.

"SIR,—In answer to your letter No. 78468 I have to thank you for the directions therein laid down for

for my future guidance, which shall be carefully attended to hereafter.

"I have worked very hard ever since I have been here to endeavor to put everything in a safe condition, as far as structures were concerned, and now feel greatly relieved in my mind because that has been at last all but completed throughout. I found the want of very many thing to make our equipment of plant equal to grapple promptly and effectually with accidents on this important work, and in that respect am thankful to say we are now well furnished, and can handle our 60-ton gates and everything else with the greatest ease, and accidents to lock gates on the old canal that used to delay navigation for days, and at very great cost, are now remedied in a few hours and at a very small expense, while in the new and much larger canal our facilities are now such that serious detentions to navigation from the usual and ordinary accidents are hardly any longer possible.

"Your obedient servant,
"WILLIAM ELLIS,
"*Superintendent.*"

Then follows this letter from the Secretary of the Department:—

"OTTAWA, 12th June, 1889.

"SIR,—I am instructed to return to you the accounts (with pay-lists) of the Welland Canal for the month of May, and to request that the proper certificates may be entered on them, as required by clause 33 of the Audit Act. (See the Department circular dated the 5th February, 1886.)

"When sending them back you will please furnish a full explanation of W. B. Allan's account for repairs to Custom house and post office at Port Colborne, included therein.

"I am, Sir,
"Your obedient servant,
"A. P. BRADLEY,
"*Secretary.*

"W. ELLIS, Esq.,
"Supt. Welland Canal,
"St. Catharines."

You see, Mr. Ellis gets rapped over the knuckles, but he does seem to mind anything of that kind; he hangs on like a burr.

Now we come to the fifth charge—men working for parties outside who are paid by the Government. When I spoke here last year I did not think that the Superintendent of the Welland Canal would so far forget himself as to be guilty of such a thing. It was somebody else I had in my mind; but what did I find when I came to investigate this matter? Look at the evidence—the evidence of men who are controlled by Mr. Ellis, men whose evidence had to be dragged out of them, and I am satisfied that I have not got at 5 per cent. of the truth, owing to the influence that was exerted against me. It could not be expected that a man like myself, without legal training, opposed by a skilful lawyer and dealing with unwilling witnesses, could do much. However, I have got enough to show the people of this country that the Welland Canal is sadly mismanaged. At page 58 of the evidence Walter Chatfield says that he worked at Mr. Ellis' house about three weeks in all, and received his pay from the Government for the time he worked. He is paid $75 per month.

HON. MR. POWER—Who owns this house that Mr. Ellis occupies? Is it a house which belongs to the Government and will be occupied by the next Superintendent?

HON. MR. McCALLUM—I am disposed to be fair to Mr. Ellis, and if this building really belonged to the Government I would state so, but it is Mr Ellis' private house. The Government does not find him a house. He is paid a salary of $2,900 a year, and receives $300 for horse hire. You will see from the evidence that it was a common thing to take men who were paid by the Government to do private work for Mr Ellis. At page 67 of the evidence Mr. Chatfield says that Mr. Laurence wanted him to work at his (Laurence's) house, but he would not go, and Laurence said he might as well work at his house as at Mr. Ellis'. This Chatfield, as you will see from the evidence, is a gentleman of leisure. We pay him $75 a month, and $200 or $300 for horse hire; and Mr. Rykert says in this pamphlet that if Chatfield was not working for Mr. Ellis he would be making picture frames for himself. Thomas J. Hartley was employed four and a-half years as caretaker of the canal office, and he says, at pages 70 to 80, that half of the time or more he worked at Mr. Ellis' private residence. The Government paid him for at least two and a-quarter years for work done by him at Ellis' house, he not receiving as much as 10 cents from Mr. Ellis at that time, but being paid by the Government at the rate of $1.25 a day. He was doing the general work of a man servant. At page 87 C. W. Hellems, a carpenter, states that he worked at Mr. Ellis' house on two different occasions, and received his pay as if working for the Government from R. D. Dunn, the Government paymaster.

He worked at Laurence's house also, and was paid by the paymaster as working for the Government. He says he did not know who kept the time, Mr. Vanderburgh or Mr. Demare. He was paid $2 per day. He adds: "The last time I was there I was ordered to go by Mr. Demare, the fore-

man, at Port Dalhousie, Mr. Ellis set me to work and showed me what to do. I signed the pay rolls as if working for the Government." Now, I say that the action of Mr. Demare and Mr. Ellis in reference to this man Hellems ought to drive them out of the public service. They are both equally guilty. I would direct your attention to Nathan Morey's evidence, at page 127. You will see at page 139 that Charles Hill, teamster, worked thirty-six half days and one full day for Mr. Ellis, and got his pay as if working for the Government. Mr. Hill did not drive his team all the time; his son, Charlie Hill, junior, drove the team part of the time, and when we wanted the son to give evidence we could not find him. Several men that I wanted as witnesses were away—conveniently away, no doubt. They had an underground telegraph, and when I wanted any one to give evidence he was approached before he came. The evidence was fairly dragged out of them, but it is strong enough to convict Mr. Ellis and his deputy. Charles Hill's evidence commences on page 217. He says he hauled furniture from Norris' storehouse, also from Spring Bank, and a fence from Wilson's foundry, flower pots from the same place, hauled kindling wood for him, and got his pay in the canal office as if working for the Government. He says that he also hauled manure for Mr. Ellis. The furniture was hauled when Mr. Ellis first moved to St. Catharines. He had but one object in view from the beginning, to promote his own interests. George Dalgetty's evidence commences at page 305. He says he got his pay at the canal office as if working for the Government, while he was working for outside parties. Miller was his foreman. Hamilton Page says he hauled a load of iron fence to Mr. Ellis' house and got his pay at the canal office as if he was working for the Government. I would have liked to get evidence on that iron fence, but could not. I understand since that they played sharp on me. I asked the witness : "Did Mr. Ellis pay you for that fence?" He answered : "He gave me a cheque." That was not sufficient. I have found out since that the cheque was given as a blind in case I should call that man to give evidence, and probably the cheque was afterwards returned. That was the way I was treated at St. Catharines while I was endeavoring to do the best I could on behalf of the people of this country. Now they are trying to prejudice the public against me. Even the *Empire* newspaper says that Mr. Wood, the commissioner, exonerated these parties. Where did that information come from? I have not seen his report; I do not know whether he has made one or two reports, but whatever he may have said, you have the evidence here, and if you will examine it you will find that I had good grounds for the course I have pursued in this matter. Cornelius Reid, at page 259, says that he sent men to work at Mr. Ellis' house—John Merrill, Wm. Hopgood and Daniel Sylvyne. He did not return Sylvyne's time this summer as if working for the Government.

This Port Dalhousie band business is worthy of your attention.

Mr. Demare, the Deputy Superintendent, as they call him now (formerly the man who occupied his position was called the foreman) is president of the Port Dalhousie band. This band is largely composed of men employed on the canal. When they want to get away anywhere Mr. Demare sends men in their places, and if you will read the evidence you will find something amusing in it about the band hall and musicians. I do not say that the public have been taxed to build this band hall, but I know that one of the foremen, the time-keeper, Mr. Vanderburg, when put in the witness box and asked about the band hall, replied that he did not know anything about it—that he had just passed by it and seen it. I had him back three or four times, and the next time when I called him I found that he had a mortgage on that band hall for $800 or $900, though when I first called him he knew nothing about it, except that he had just seen it. John Sexton, a laborer, whose evidence appears at page 195, says he worked six days at Mr. Ellis' house, that Mr. Ellis paid him for four days' work, and that for the other two days he was paid as if working for the Government, and signed the pay-rolls. William Hopgood, a laborer, says, at page 197, that he worked pulling weeds in Mr. Ellis' garden two or three times, and got paid as working for the Government and signed the pay-rolls—that Mr. Reid sent him there. Martin McCormack, a laborer, at page 200 says he helped to load six or seven loads of earth which was taken to Mr. Ellis'

house—that it was black earth. He says that he knew it was going there—that he passed by and saw it there. I next come to the evidence of Thomas Bonnville, which will be found at page 468. When Mr. Ellis was appointed Superintendent of the Welland Canal he brought this man with him from Prescott, and gave him a position on the canal, where he receives a salary of $47 per month. This Bonnville acted as Mr. Ellis' cook. He says that he was away twice, by Mr. Ellis' order, cooking in Mr. Ellis' camp, say twenty days in all, during which time he was paid as if working on the canal. There was another lock-tender also who was rowing Mr. Ellis about and helping Bonnville. That is the way Mr. Ellis is spending his time when we are paying him; that is the way Mr. Ellis is spending the public money and neglecting his duty. When this evidence was brought out the commissioner remarked that he did not think that it was anything extraordinary that Mr. Ellis should take some holidays, considering the length of time he had been on the canal. How much did the commissioner know about the time that Mr. Ellis was away from his duties, and how much did he do to get at the facts during the investigation? George Nicholson, whose evidence appears at page 510, says he worked seven weeks in all at Mr. Ellis' house, and was paid by Mr. Ellis for four weeks. For the other three weeks he was paid at the pay office as having worked for the Government. He says that Mr. Ellis sent him there to work, and that he received $2 per day. He says he did a little of everything under Mr. Ellis' orders, and Mr. Fallon. Now, who is this Mr. Fallon? He is an architect from Toronto, who was brought there to do something at the canal office, but the greater part of the time he was employed working at Mr. Ellis' house. I did not care to put the public to the expense of bringing Mr. Fallon from Toronto as a witness, because that sort of thing was going on all the time, as is proved by the other witnesses. Nicholson says that he signed the pay-rolls like all the rest for the time that he was employed at Mr. Ellis' house. I now come to the pontoon which was built under contract by Mr. Miller. George Irving, at page 550 of the evidence, says that he worked on the pontoon for a day and a-half and got paid by the Government; that he helped Johnson to load a load of stone for the band hall at Port Dalhousie, and got his pay from the Government.

I wish to explain about this pontoon that Mr. Miller had a contract from the Government to build it, but the evidence goes to show that men employed on the canal and paid for their time by the Government did a great deal of work on this pontoon.

I did not get half of the evidence I should have elicited in connection with that charge, because some of the men who had been employed on the pontoon were evidently smuggled down to the Cornwall Canal. The Chief Engineer is very seldom able to spend any time on the Welland Canal, having so many important duties to attend to here and at other places, and his subordinates on the canal take advantage of his absence to enrich themselves at the expense of the country. Mr. Miller, in addition to the contract for the pontoon, had a contract to repair Mr. Demare's house. Mr. Ellis, Mr. Demare and Mr. Miller went through the house and agreed upon the repairs and improvements to be made. Mr. Ellis made out the specifications which Mr. Miller accepted, but what do we find? That the men who did that work under Mr. Miller's orders received their pay as if working for the Government. I find the following in the Sessional Papers of 1889, at page 170 (No. 49 *d.*):—

"To Roger Miller, Port Dalhousie:

"Taking down floors, partitions, stair and doors of overseer's house, Port Dalhousie; removing mud and decayed flooring, laying in 160 feet drain from same to harbor, concreting floor, building cellar, renewing floors, partitions, stairs, doors, &c., throughout, re-arranging windows and door openings, putting in new sash and doors, taking down old stone chimney and building new brick one, repairing outside blinds, plastering, painting, &c., papering, as per agreement, $500.

"Taking out decayed floor of adjoining lock-master's house and mud under concreting, and relaying new floor, laying 160 feet drain from same to harbor, taking off old and putting on new plastering and ceiling, making new window openings and putting in new sash frames and blinds, taking out other decayed sashes and fitting with new, painting and papering where required, as per agreement, $135.

"Taking out floor, partition, stairs, doors of old collector's office, and converting into additional dwelling accommodation for overseer, removing vault and brick division wall and rebuilding in proper position, making new window, opening and fitting with new sash and blinds, renewing of old sashes, fitting storm sash, repairing blinds, removing old chimney, building new one and plastering, painting and papering throughout, as per agreement, $400.

"Painting outside overseer's house and 12 pairs blinds ..... $ 45 00

"Painting outside lockmaster's house and 11 pairs blinds	45 00
"Painting outside collector's office and 8 pairs blinds	30 00
"160 feet eave-trough and continuation pipe, at 15c	20 00
"342 feet gas pipe for railing around old pontoon, at 9c	30 78
"34 elbows and 'T's' for same	3 60
	$178 38

That is a copy of the contract, and Mr. Miller received the amounts which I have read, though most of the work was done by the employés of the Government. Who certified to this account? Mr. Demare and Mr. Ellis. Mr. Demare was keeping the time of the men, and Mr. Ellis must have known what was going on if he was not blind. This is the house that I spoke of, in the foundation of which a swamp was discovered. It was formerly the collector's office, and had a vault in it; but in order to conceal a job they discovered a swamp in the cellar. But if there was a swamp, and the specifications stated that they were to take out the bottom to the depth of 16 inches and pack down 10 inches of clay and put in 6 inches of grout cement on top if it, that is the contract and it should have been carried out by the contractor. The pay-lists were brought down last year, and Mr. Abbott, the leader of the Senate, said jokingly to me that he would send all the papers to the Table if he was able. I went to the Printing Committee and I was afraid to ask for the whole of the papers printed, because if I asked for so much I would not get any. My hon. friend from Quinté (Mr. Read) was the chairman of the Printing Committee, and he is so exceedingly economical that he did not want to give me what I required. He did not want to give me the whole of the return, but if he had done so the public would have saved money. I had a great pile of the pay-lists for the last years and I have gone through them all. I mention this for the benefit of my hon. friend, so that he will not be too economical in the future. On looking over the pay-lists I found that this man who worked at Mr. Demare's house under the contract got paid the full amount of his contract; but I find at page 153 of this same volume of Sessional Papers that the employés of the Government on the canal are paid for doing this same work. If my hon. friend from Quinté had been more liberal with me, and printed a larger number of these returns, I could have elicited a great deal more of just such information in the public interest. However, I have discovered enough to expose Mr. Ellis and his deputy. I come now again to the pontoon, and refer to the evidence of Edward Smilie. At page 678 he says that he worked on the pontoon that Mr. Miller was building and received his pay from the Government, Mr. Demare keeping his time. Henry Vanderburg says that Mr. Miller did not have the contract of caulking, and that it was done by Mr. Ellis himself. Mr. Page does not say so. Can any one believe that the Chief Engineer of Canals, whom I have known for forty years as a practical, honest man, would let a contract to any one to build a float with tongued-and-grooved lumber? I know him too well to believe that he would allow such a structure to be built. Mr. Page has promised to look up the contract for that pontoon and send it to me. I know, however, that the contractor was required to caulk that pontoon; that he was to find the oakum and caulk it, and that he did not do so, but that it was done by the employés on the canal at the expense of the Government. Samuel Houston, at page 896, says that he worked at the schooner "Defiance" with Smilie, and that he and Smilie got paid by the Government. He says, at page 913, that he built a box for the Port Dalhousie band waggon on Demare's orders, and was paid as if working for the Government. Evidence was afterwards given to show that this band box was used on the canal at times, and if that was the only sin Mr. Ellis and his deputy had committed in connection with the band hall they could easily be forgiven. But that is not all: it has been a source of considerable loss to this country in other ways. I know that Mr. Demare's connection with the Port Dalhousie band had the effect of keeping men in the employ of the canal who were unfit for the service. I do not wish to injure any one or prevent him earning his living, but I contend that a man should be something more than a musician to be qualified to work on the Welland Canal. William Tinline, in his evidence on page 925, says that the scow "Mud Hen" was detained at Lock 3 of the old canal, with a crew of three men, for two and a-half hours while Charles Hill hauled a trunk or valise from Mr. Ellis' house to the station.

That is the evidence of the man who is in charge there and this was done by the order of J. B. Smith, foreman of the old canal. Smith has been acting as Mr. Ellis' broker, making arrangements with people on the Welland Canal which would enable Mr. Ellis to pay his debts. I call Mr. J. B. Smith broker Smith, because he acts as Mr. Ellis' broker in sending men to work at Mr. Ellis' house to do his teaming, and in getting money from the employés on the canal to pay Mr. Ellis' debts. I did not ascertain how much money was procured under these arrangements, because the commissioner would not allow me to ask the question. He threw what you may call a mantle of charity over them, but he lectured them, and told Mr. Smith that if Mr. Abbey could be approached in that way hundreds of others might be; but he would not let me pursue the investigation to ascertain whether hundreds of others had been approached or not. When I called upon him to make the witness answer he declined to do so, but said the witness might answer if he liked, and Mr. Rykert advised the witness not to answer. I was obliged to stand that and a great many other indignities while I was endeavoring to do my duty as a public man in the interests of the people. I would not have stood as much for any personal object. Tinline says, at page 926, that he worked twenty-three days on the pontoon and got his pay as if working for the Government. Mr. Marshall was there also building the body of the pontoon. Mr. Marshall was in the hall for two days while the investigation was in progress. He is a ship carpenter, and they wanted to put him in the box, but he was afraid to meet me, knowing my practical knowledge. Although Mr. Miller swore that they put the tongued-and-grooved lumber in the pontoon the man who dressed the lumber swore that it was not tongued-and-grooved. When they wanted to put Mr. Marshall in the box he was not there to respond, and they were afraid to produce him. You will find Miller's contract for repairs on Demare's house in the report of the evidence, pages 822 to 828, and I should like every member of this House to examine that contract, because it shows that there is a swindle on the face of it. Thomas Jones, a lock-tender, says, at page 1025, that he worked at Mr. Demare's house concreting the cellar. That was work that was supposed to be done under Mr. Miller's contract and for which Mr. Miller was paid. John Merrill was there helping him, and the Government paid these men as if they had been employed at their regular work on the canal. Richard Hutton worked one and a-half days at the concreting of Mr. Demare's house, but he says he never got any pay. I doubt that; he must have been paid some way. James Hindson, at page 1155, says that he worked one or two weeks on the new pontoon and was paid by the Government as if he had been employed on the canal. Now this pontoon cost the country $3,200. We paid Mr. Miller so much for building it, and in addition we have been paying the wages of the men that built it. Mr. Rykert, in his effort to get up a breeze in favor of Mr. Ellis, says that I tried to mix up the contract for repairs. I have done nothing of the kind, but I want things to be called by their proper names. Whether this pontoon was constructed out of capital account or not makes no difference. It was done under contract, and the Government should not have been called upon to pay the wages of the men who did the work. Mr. Ellis and Mr. Demare must have known what was going on, particularly Mr. Demare, because he was keeping the men's time. Whether he got any share of the profits or not I cannot say. I do not want to accuse a man of anything except what is proven against him or what must strike every one has evidently taken place. Edward McLaughlin, at page 1192, says that he worked at Riordon's mill pond where vessels come to load at the dock and got his pay in the canal office; that Mr. Riordon did not pay him. Robert Pew, Robert Brick and John J. Giblin gave evidence to the same effect. And here I wish to say something about the *Mail* newspaper. I found that the *Mail* was very down on me during that investigation and characterized my inquiry as "fishing." Perhaps Mr. Riordon did not like me to continue fishing, because he knew that I might discover the portion that he received of the swag. I managed to get at some of it. Mr. Riordon subscribed to a testimonial for Mr. Ellis and Mr. Ellis gave him a *quid pro quo*. That is the way things have been managed on the Welland Canal—"you scratch my back and I will scratch yours." The evidence shows, from beginning to end, that

Mr. Ellis had but one object in view from the day that he was appointed to the present time. For the last ten years he has deceived the Government that trusted him and has been managing the second work in importance in the Dominion of Canada for his own personal interest and advantage. But Mr. Ellis is sometimes quite magnanimous. He is generous when the country pays the expense. He gets religious sometimes, which is a very good thing, and seems disposed to help the church. At page 1222 of the evidence William Chandler swears that he was sent to work at the rink after the festival for St. George's church, that he was there for two or three days and got paid as if working for the Government and signed the pay-rolls. Cornelius Reid, a very decent man—as good a man as there is in the country—who has been employed in the Welland Canal as foreman under Mr. Demare, was examined. He swears, at page 1250, that he sent men to work for Mr. Miller on Mr. Demare's orders—that he did so on the 20th of August and on 14th of September, and that he concreted the cellar in Mr. Woodall's part of the house and returned the time to the canal office; that he dug two drains from Mr. Woodall's and the other from Mr. Demare's house, and that he sent men to take down the vault. Although these men were working for Mr. Miller their time was returned as if they had been working for the Government. At page 1253 he says that he was present when they were sodding Mr. Demare's yard, and Mr. Demare wanted him to keep the men out of the way if Mr. Page or Mr. Ellis should come along. He says further that Mr. Demare knew that he, Mr. Reid and his men, were working at Mr. Demare's house during the time that Mr. Miller's contract was in progress. There can be no doubt about that, because Mr. Demare was keeping the time and returning it to the Government. John Merrill, at page 1585, swore that he was working with Mr. Miller by order of Mr. Reid. I would refer you to the statement of the account rendered to the Government by Mr. Ellis for repairs on overseer's house at Port Dalhousie, and also the printed pay-list in the Sessional Papers from page 43 to 82. You can see by Mr. Ellis' evidence at page 2309 that he let this contract to Roger Miller without any competition. Why should he do that? Why not offer it to public competition? Darby Dockery, at page 1266, says that he worked at Riordon's pond building a dry wall—that Mr. Smith sent him there; that he worked ten or eleven days at $1.50 per day, and got paid at the canal office as if working for the Government. James Hamilton, foreman, worked with twelve or fifteen men on the Riordon pond by orders of J. R. Smith. That is the man I call broker Smith. They were paid out of the public funds. Mr. Ellis could afford to be liberal with the people's money, but he could not afford to pay a cent out of his own pocket to a man who had been working about his own house for two and a-quarter years. F. J. Walton, at page 1517, says that he and a man named Pettigrew worked at the marine hospital by Ellis' orders—in all about three and a-half days; that their time was returned to the canal office and that they were paid by the Government. He also swears that he put a false bottom in A. Bradley's scow "Biggar;" that he did so by J. B. Smith's orders; that his time was returned to the canal office, and that he was paid as if working for the Government. This evidence is uncontradicted. In defence, Mr. Rykert called A. Bradley, the owner of the scow "Biggar." His evidence appears at page 1736. He swears that Walton was the only Government employé that was helping him to put a false bottom in the scow; but I knew better, and in rebuttal I called Edward Smith, a carpenter, who said (page 2360) that he and other Government employés helped Walton to put a false bottom in the scow "Biggar," and got their pay at the canal office as if they had been working for the Government. My statement last Session was that it was alleged that men employed on the Welland Canal were doing work for outside parties and were paid as if working for the Government. I think it is clearly proved by the evidence taken before the commissioner that I was justified in making the charge. I am sorry that the evidence discloses such a state of affairs on the Welland Canal, and I can only hope that no other public work in Canada is mismanaged to a similar extent.

It being six o'clock, Mr. McCallum moved that the debate be adjourned until Wednesday next.

The motion was agreed to.

BILL INTRODUCED.

Bill (13) "An Act to amend the Act to incorporate the Alberta Railway and Coal Company." (Mr. Read, in the absence of Mr. Ogilvie).

THE WALKER DIVORCE CASE.

HON. MR. SANFORD moved the adoption of the report of the Select Committee on Divorce *re* the petition of Emily Walker. He said: In view of the statements made by the chairman of the committee that it merely refers to an omission on the point of collusion and connivance, I ask that the report be adopted.

HON. MR. KAULBACH—I was surprised to find that this report did not contain the objection that I made before the committee. Rule "J" requires the committee to report upon "the petition, the proposed Bill, &c." Now, I felt that by concurring in the statement that the Bill was sufficient I would be committing myself to the position that if the allegations in the Bill, as connected with the petition, were proved, the petitioner would be entitled to a divorce. I was not prepared then, and I am not prepared now, to take such a position. It is doubtful, even if the allegations in the Bill can be proved, if we can grant a divorce in this case. I contended in the committee, and I contend now, that when we report that a Bill is not only regular, but sufficient, that we declare that if the allegations of the Bill are sustained it should pass. When persons who are under age choose to go through a mockery of the marriage ceremony they have no right to come to this House and ask us to dissolve the tie when they discover that it is binding. The question is, whether this is not a case which the courts of Ontario should take cognizance of. If they can, this Parliament has no right to interfere. In Ontario there is a court which can grant a divorce *a mensa et thoro* and also to decree alimony. If they have power to declare that this was no marriage from the beginning we should have a decision on that point from the court. If they should decide that there was no marriage we cannot grant a divorce. I want to keep myself straight on this question. I expected that the report would contain a note of my objection, but as it does not I want to define my position. The report declares that the Bill is regular, and it seems to me that, in a matter of doubt, we are pre-judging the case by saying that if the allegations of the petition and Bill are sustained before the committee a divorce should be granted. I am not prepared to say how I shall vote after a full consideration of the matter, but I wish the House to hesitate before adopting the report. I should like to have the views of the leader of the Senate on the subject. I do not think we intended, when we adopted the new rules, that a preliminary report of the committee, like this before us, should commit the House to the extent that this does. I do not think that the chairman of the committee expressed an opinion on the matter, but under the rules the committee were obliged to report as they have done.

HON. MR. DICKEY—I have no fault to find with the course that my hon. friend has taken, and I am quite sure that he has set himself right, as far as his opinion goes, before the House, differing, as he has correctly stated he did, from the other members of the committee. I am sure he will be satisfied with a statement of his objection and allow this report to be adopted, because it is simply on the defects of the petition. It is merely asking to have the petition made right, according to the rules. If we had not taken that course we should have been receiving a petition and confirming a Bill improperly. Therefore, I think the report should be adopted. We have had two or three cases already of this kind where no objection was taken. Still, I have my own opinion, and I reserve it, as my hon. friend has done. I do not know but we may be found standing together when the case comes before the House; but we have not reached that point yet, and I think I shall be best consulting the convenience of the Senate by saying no more on the subject now. I hope the House will adopt the report.

The motion was agreed to.

The Senate adjourned at 6:10 p.m.

THE SENATE.

Ottawa, Tuesday, February 11th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

NEW SENATOR.

HON. MR. MASSON was introduced, and having taken the oath and signed the roll, took his seat.

THE HUDSON BAY ROUTE

INQUIRY.

HON. MR. BOULTON rose to—

Call the attention of the House and of the Government to the great advantages that would accrue to the Dominion of Canada at large from the construction of a railway from some point on the Canadian Pacific Railway to a terminus on the west coast of Hudson Bay, and to the great desirability of the immediate construction of such an important work; and inquire if it is the intention of the Government to undertake such a work?

He said: In bringing this question before the Senate it is for the purpose, coming, as I do, from the North-West Territories, of pointing out to the people of eastern Canada the importance that is attached to the construction of this road in the Province of Manitoba and the North-West Territories, and also to endeavor to disabuse the minds of many of the idea that the construction of the railway will be detrimental to the interest of the eastern Provinces. My opinion of the wisdom of bringing this matter before the Senate was confirmed by a remark made by one of my hon. friends when I told him of the motion I was bringing forward. He said he thought the project of navigating Hudson Bay was one of the greatest chimeras of the time. He followed up his observation by stating that the construction of the Hudson Bay Railway would divert trade from eastern channels into a northern channel. These observations confirmed me more than ever in my opinion that it was necessary to bring the subject before the Senate, through which any legislation must pass in connection with construction or assistance given towards the construction of that road. I shall not go into the early history of the discovery of Hudson Bay and subsequent explorations that have taken place in connection with it, but I may say that the history of that great inland sea is of very great interest indeed. I will merely confine myself to stating that the first mention of Hudson Bay that we have, I believe, in the history of the country, is when Capt. Davis, on his return from the northern straits to which he gave his name, passed the entrance to Hudson Strait and conveyed the information home. That was in 1587. The information that he took home with him brought out Capt. Waymouth in 1602. He did not succeed in penetrating the straits but got sufficient information to know that the straits existed. He was followed by Capt. Hudson in 1610, who successfully passed through the straits and into Hudson Bay. Capt. Hudson's name is indelibly printed upon the geography of this country. To him we owe the name of that great bay which I believe and pray is yet to be the scene of a great hive of industry in the carrying trade of Canada. He gave his name to the great territory east and south of it and to the Hudson Bay Co., which has been trading in that country for 200 years, and he is now about to give his name to the railway which I hope will soon connect the settled portion of Manitoba and the North West, with that inland sea. Capt. Hudson came in a little ship called the "Discovery," a vessel of only 55 tons burden. The name is most euphonic, so far as the discoveries he made in it are concerned, and his sad end will bring tears to the stoutest heart. In the voyage of 1610, while sailing the bay, his crew mutinied and they turned him adrift with his only son in an open boat. Nothing more has been heard from him from that time to this, but his name has been handed down to posterity as one to be honored, representing those daring hearts that did so much for the opening up and civilization of this continent in those early days—daring explorers, whose deeds are paralleled in the present day by those of Stanley in Africa, and, as we have lately seen, by two young ladies who girdled the world in the shortest space of time—72 days. Taking these two different extremes only shows what we have arrived at, so far as civilization and progress are concerned. It is further interesting to know that the Hudson Bay Railway is designed to compete for the traffic which finds its outlet by a route bearing Hudson's name also, in the south. It is designed to compete for the trade that finds its way by

the Erie Canal and down to the Hudson River—that beautiful river whose banks are now lined by the handsome villas of the wealthy and cultured people of the United States. Now hardy Canadians are called upon to develop a route for the trade and traffic of this northern country by the northern estuary which bears his name. In bringing this matter before you, hon. gentleman, I will confine myself to certain facts in order that you may draw your own conclusions from them as to the practicability of navigating Hudson Bay. I will take first of all Mr. Gordon's report, and I may say that so far as that report is concerned I consider it as one which was made by an officer who felt that he had the responsibility of a Government upon his shoulders, so far as his statement was concerned, and who felt the necessity of extreme caution in any statements he might make that would have the effect of introducing capital into or keeping it out of the country, so far as this route was concerned, and, therefore, I consider his report was a conservative and cautious one, made after having withdrawn from all the posts of observations placed there for two consecutive years and after he had wound up all the work he was called upon to perform in the exploration of Hudson Bay, in the two vessels the "Neptune" and the "Alert." In his final report he says that in his opinion the navigation of the strait was practicable and available for three months in the year, and possibly four months—from the 15th July to the 15th October—that the first fortnight in July and the last fortnight in October the navigation might be available, but it was risky and doubtful. As I have explained, his report is surrounded with all the caution that a gentleman occupying the position that he did should have observed. We have another report here from one of his observers, a Mr. Tyrrell. It is in the shape of an official report. What he has stated appears in the report of Lieutenant Gordon, and is used in combatting the arguments of a gentleman who was opposing the practicability of navigating Hudson Bay. In a letter to the press, among other things he says:—

"From observations taken at Ashe Inlet, where the channel is narrower than at any other place, and hence where ice jams are most likely to occur, I found nothing to interfere with navigation during the months of July, August, September and October, and that for another month vessels would, with the chance of some delay, be able to make their trips."

That is his evidence; and he was an officer who had spent a year at Ashe Inlet and who is giving his opinion as a private individual, living in Hamilton at the time he wrote this letter. He further goes on to say there would be no unusual danger in navigating those straits at full speed from four to five months in the year. Further, it is mentioned in his report that the steamer "Arctic," one of the whaling steamers that comes from Boston annually, entered the straits by Ashe Inlet on the 5th of June and tied up to the ice in front of the post and reported that they had come in on the 5th of June without any obstruction. The steamer "Arctic" passed into Hudson Bay and went on with its fishing expedition and went out of Hudson Bay on the 2nd week of June without meeting with any mishap, and for aught I know has been doing the same thing from year to year ever since. From that it is clear to my mind that to a properly equipped steamer the navigation of the straits is practicable for a longer period than we have been accustomed to believe in the past. I will take another report, that of Capt. Markham, an able officer, who has his professional reputation at stake, and who was invited by the Hudson Bay Railway Company, to whom the Government had given a promise to send two officers, to accompany the expedition, in order that they might make a report for their own private information. Capt. Markham was one of those officers invited by the president of the Hudson Bay Railway Company, and he went on the steamer "Alert" and made the trip in the year 1886. He has made most voluminous remarks in the report upon the question, not only to the president of the Hudson Bay Railway Company, but in the English magazines, and by reading papers before the Geographical Society in London. But I will confine myself, merely, so far as his report is concerned, to this one point:—

"Looking at it from a perfectly impartial point of view, and having very carefully considered the matter in all its bearings, it appears to be an incontrovertible fact that the establishment of a sea port, some 800 miles nearer to Winnipeg than Montreal (the nearest port at which goods can now be shipped and transhipped), must be of the greatest possible value and importance to the extensive wheat-bearing and cattle-producing country which claims Winnipeg as its commercial centre."

Capt. Markham further goes on to make the following quotation from Sir Edward Parry, who was a noted explorer in 1835 or 1836:—

"Long experience has brought those who frequent this navigation to the conclusion that, in most seasons, no advantage is to be gained by attempting to enter Hudson Strait earlier than the first week in July. The annual disruption of the ice, which occupies the upper and middle parts of the strait, is supposed not to take place till about this time. In the course of one single year's experience in these parts we have seen nothing to recommend a practice different from that at present pursued by the ships of the Hudson Bay Company."

Capt. Markham then adds:

"I heartily concur with every word in this quotation, for it so exactly corresponds with my own experience. But the fact must not be overlooked that this advice is addressed to those who attempt the navigation of the strait in sailing ships. Steam has made a great revolution in ice navigation. A well-found steamer is able to make her way with ease through the ice encountered in Hudson Strait in June and July, when a sailing ship would be hopelessly beset and incapable of pushing on. With regard to the practice pursued by the ships of the Hudson Bay Company, allued to by Sir Edward Parry, it stands to reason that the captains of those ships would actually delay their passage across the Atlantic, so as not to reach the strait before July or August; for they are well aware that every extra day spent on the passage is a day nearer the disruption of the ice. Their experience tells them that a policy of waiting is wisest, until the chances are more in their favor of getting through without hindrance from the ice.

"I have in my possession an official record of the voyages out and home of the Hudson Bay Conpany's ship 'Prince Rupert' for a period of eleven consecutive years, namely, from 1835 to 1846, inclusive. I find that the average time of getting through the strait in the outward voyages during this period (and it must not be forgotten that the strait is 500 miles in length) was 16 days. The longest time was 31 days, when there was probably an exceptionally bad ice year. The shortest time was 8 days. But the delays in getting through the strait were caused by calms and adverse winds, and not by the ice. On the homeward passage no difficulties were met with from ice in the strait, and the vessel usually reached London in about five weeks after leaving York Factory. The earliest date for sailing from York Factory was the 6th of September, and the latest the 3rd of October. In the latter case the 'Prince Rupert' was 38 days on the passage to London; so that it is impossible she could have had any serious detention from ice in the strait.

"It must be remembered that this vessel, and all others then employed by the Hudson Bay Company, were sailing ships, dependent entirely upon sails for their motive power. Without wind they were helpless; with a foul wind their progress was of course proportionately slow. Wind, therefore, was a matter of the first importance in those days, when a vessel was endeavoring to make way through floes of loose ice; for when the wind falls the ice invariably loosens, or, as the technical expression is, 'goes aboard.' But under such circumstances the unfortunate sailing vessel, being deprived of its only propelling force, is unable to take advantage of the ice being loose to push on. On the other hand, when a breeze springs up, which on ordinary occasions would possibly enable her to make good way, the wind has the effect of packing the ice, thus rendering progress nearly impossible.

"Steam has now, however, effected a complete revolution in ice navigation, and the most advantageous time for pushing on is, of course, in calm weather, when the ice is loose. Under similar conditions a sailing vessel would be utterly hopeless. It is, therefore, only reasonable to infer that what has been performed regularly, and year after year, by sailing ships, can be accomplished with greater regularity and certainty by well-found steamers, specially constructed for ice navigation, and provided with powerful machinery. A channel which has been navigated for 270 years, first by the frail little fly-boats of the seventeenth century, then by the bluff-bowed, slow-sailing, exporting vessels of Parry's days, and for a long period by the Hudson Bay Company ships, cannot be very formidable, and if sailing ships can annually pass through it *a fortiori* steamers will find less difficulty in doing so. But it would, of course, be necessary that such steamers should be specially built and equipped for the service, and it is desirable that despatch should be used in making the voyage.

"The result of all the experience, gathered from voyages during two centuries, and from observation at the stations, is that Hudson Strait is perfectly navigable and free from ice in August and later in the season. It must be remembered that this passage has been successfully accomplished nearly every year for the last two centuries, while the vessels which have been employed on the service have been ordinary sailing ships, dependent entirely on wind and weather. It is very rare indeed that they have failed to get through, and still more rare that any of them have been destroyed by the ice. It appears from the official records of the Hudson Bay Company that Moose Factory, on the southern shore of the bay, has been visited annually by a ship since 1735, with but one exception, namely in 1779, when the vessel for once failed to achieve the passage of the strait. The percentage of losses by wreckage among the vessels employed in the Hudson Bay is far less than would have to be recorded in a like number of ships engaged in general ocean traffic. Since the keel of Hudson's good ship the 'Discovery' ploughed the waters of the strait the passage has been made over 500 times, whilst the losses due to the ice might be summed up on the fingers of one hand; for some of these losses were due to causes with which the ice had nothing to do—for instance, the recent loss of the 'Cams Owen' was in no way connected with the ice."

These two clauses, I think, contain a statement of the main difficulties with which the navigation of Hudson Straits has been surrounded in our minds. As Capt. Markham says there, only sailing vessels have had the experience, so far, of the navigation of these straits, and when it calms and the ice is loose, conditions which would be favorable for a steamer pushing its way through, a sailing vessel, having no propelling force, is stopped. But the steamers that are now to be had would overcome these difficulties, and the very calm which loosens the ice would be the means of enabling them to navigate these straits for a much longer period than we have any idea of. So far as the navigation of James' Bay is concerned, there are difficulties, I believe, in connection with it, on account of the bay being shallow; but the northern portion of Hudson Bay is a deep sea,

and one remarkable feature about it is that its temperature is 14 degrees higher than the temperature of Lake Superior. One drawback is that there are not many harbors available on the west coast of the bay, but there is one very fine harbor at the mouth of the Churchill River, which I find is equal to the harbor of St. John, Nfld.—a magnificent harbor with a narrow opening. The difficulties that we will have to contend with in utilizing that harbor are very much reduced, owing to the fact that it is the mouth of one of the great rivers which drain the North-West Territories, and the warmth of its waters keeps the channel open into the harbor very often as late as the month of January. However, such is the experience that Canadians have developed of late years in utilizing winter navigation, and such are the scientific appliances that Canadians have been able to bring to bear to overcome the difficulties of winter navigation, that it removes a great many of the obstacles which we feared we had to deal with in the navigation of Hudson Bay—that is, getting in and out earlier in the season and later in the fall—and we have the experience of the steamer "Stanley," that is now used in the winter navigation of the Northumberland Straits. I understand from Capt. Welsh, who comes from there, and is thoroughly acquainted with the navigation of the Northumberland Straits, that the "Stanley" is capable of breaking ice 2 feet thick and making a speed of 2½ knots an hour at the same time. Now, that is a remarkable instance of what the appliances of science, and experience and pluck on the part of the people who are called upon to face these questions, can accomplish in dealing with physical difficulties. Therefore, I say we will learn still more in the way of navigating our northern waters by applying larger experience and greater enterprise to the question. I hope myself that the day will come when we will have a much longer period of navigation on Lake Superior. It is a matter of enormous importance to the North-West Territories, because we want a cheap mode of getting away the heavy produce which we are capable of producing in such quantities in that country. The development of Manitoba and the North-West Territories depends largely upon the facilities furnished for transportation and the economy with which we can bring our produce to the seaboard. We are an inland country, depending entirely, for a large portion of the distance, on railway communication. We cannot, as you can, for a large portion of the year, avail ourselves of the magnificent inland water communication which enables you to ship such enormous quantities of freight in a short space of time and at low rates. We are dependent upon railway communication for our traffic, and it is therefore of the utmost importance that the cost of carrying our produce should be reduced to as low a limit as possible by legitimate commercial means, which is competition and opposition in the carrying trade of the country. I would here point out to you that the advantages of developing this route have not been lost sight of by our friends south of us, who are deeply interested with us in the question of providing outlets for the produce of our country. Senator Davis, in pressing upon the attention of the United States Senate the necessity of enlarging and improving the Sault St. Marie Canal in order that an outlet might be found for the enormous increasing trade that is annually passing by that route, said :—

"It greatly concerns our own interests in another respect that we promptly second the endeavors of personal and corporate enterprise that I have mentioned, by at once increasing the capacity of the improvements of the St. Mary's River, so that it will not be for the interest of the people of Canada to develop, or for the intetest of our own north-western States to encourage the opening of a new outlet to the markets of the world—an outlet wholly outside our own boundaries, and which, while it will benefit greatly a large portion of our own country, we cannot in the least degree control. I refer to the outlet to tide water on the western coast of the Hudson Bay. This is no mere theory. It has been a demonstrated fact for more than two hundred years. The country north of the international boundary up to the fifty-sixth parallel of north latitude and east of the Rocky Mountains, to and including the Province of Manitoba, contains about one hundred millions of acres, a large portion of which is well suited for the production of cereals. The northern portion, known as the Peace River district, owing to the depression of the Rocky Mountains, has quite the same climate as the southern part, and is equally fertile. Immigration is invading this immense region, and the time is not far distant when it will be enormously productive.

"From the Minnesota line to Churchill, on the western shore of the Hudson Bay, the distance is less than eight hundred miles. Of this distance more than one-third is occupied by Lake Winnipeg, having a navigable area nearly equal to that of Lake Erie. It drains with its tributaries a basin of about four hundred thousand square miles. Churchill has an excellent harbor. It is as near to Liverpool by the way of a ship as is New York city. It is nearer to Liverpool by sixty-four miles than is Montreal. As to the distance from the city of Winnipeg to Liverpool,

the saving is therefore substantially the whole distance from Montreal to Winnipeg. It is equal to 1,291 miles by way of Lake Superior, or 1,698 miles by way of Chicago. From Winnipeg south to the international boundary line at Gretna is sixty-nine miles. This is the shortest possible route to tide water for the great wheat-growing regions of the North-West, both in the United States and Canada."

There is one man, amongst our nearest neighbors (who are certainly not behind the world in either intelligence, experience or enterprise) who thinks this project deserves some consideration at the present moment. He was urging upon his friends the necessity of deepening the Sault Ste. Marie Canal, which I consider almost one of the wonders of the world to-day. The traffic on that canal has increased from three and a-half millions of tons in 1885 up to seven and a-half millions of tons in 1889; and not only that, but it exceeds to-day the traffic of the great Suez Canal. Just think of it! That country, west of the Sault Ste. Marie canal, has developed already a greater trade than the world's traffic passing through the Suez Canal. Is it any wonder that those of us who come from the North-West Territories should feel the necessity of bestirring ourselves in order to find suitable outlets for the produce which we are capable of growing, and for the development of an industry which is yet only in its infancy? The traffic of our Territories has been, of course, and is yet very variable. We are the most northern country on this continent that has ventured upon the production of cereals, and we have a great deal to overcome, a great deal to learn, before we perfect our capabilities of producing in that western country. I should like to bring to your notice the fact that when all the conditions were favorable to the production of cereals in that western country, when by the bounty of Providence the greatest advantages were showered upon us to enable us to produce a good crop in 1887, I believe that we produced a crop that had been unheard of in the world's history before. There were 16,000 farmers in that country, many of them, most likely, only homesteaders—men who are put down as farmers, because they are entered in the Dominion land book as homesteaders, and possibly each one of them may not have had more than 5 or 10 acres under cultivation. I do not know what proportion of those 16,000 farmers were in that position, but I can say from my own personal knowledge that very many of them were homesteaders.

Notwithstanding that, these 16,000 farmers produced 12,000,000 bushels of wheat and 2,000,000 bushels of coarse grain, or nearly 1,000 bushels for each farmer in that country. That was sown, reaped, harvested, marketed and, I was going to say, exported; but that is where the rub comes in. We had very great difficulty indeed in exporting our grain that year, because the facilities of the Canadian Pacific Railway were not sufficient at that time to meet the requirements of the people in exporting their produce. I will give the Canadian Pacific Railway Co. credit for making the most noble efforts; all the hon. gentlemen who come from the North-West will bear testimony to that fact. At that time they were having a great fight on the question of monopoly, and it was essential to the interests of the Canadian Pacific Railway Company that they should prove that they could carry the crop of the country themselves and that another route was not necessary at the time. But a bounteous Providence and the enterprise of the people were such that grain was shoved on the Canadian Pacific Railway faster than the company were able to take it away. A great deal of that was owing to the difficulties that they had to encounter in the months of January and February from snow storms north of Lake Superior; but still that was the fact, that the Canadian Pacific Railway was not sufficient to meet the requirements of the people in 1887. Then, in addition to that, what do we see now? The Canadian Pacific Railway Company are carrying a very large amount of traffic from Minneapolis—something like 10,000 cars of grain that they are taking from Minneapolis to the seaboard, and therefore they have this additional trade and traffic to tax their energies in carrying the products of that North-West country. I do not mention this in the way of finding fault, as some have done, with the Canadian Pacific Railway Company, for having penetrated to Minneapolis and taken freight from that point, in order to bring grist to their mill and capture the trade of those western States. I think myself that if they have to cut rates and compete with other corporations in that neighborhood they are perfectly justified in doing so, in order that they may get traffic to support

their road for their own benefit and for the benefit of the people of Canada. I know myself in the North-West, if the Canadian Pacific Railway Company had to depend on the trade that we are able at the present time to give them, they could not afford the magnificent service that they provide at present—a daily train, splendidly equipped, hardly ever late, from the Atlantic to British Columbia. That is an advantage that we do not overlook, but it is an advantage that is only gained by the Canadian Pacific Railway Company drawing foreign trade to its road. Competition is natural in our country; the enterprise and intelligence of our people will lead them to look for the best and cheapest routes to the seaboard. We are going on developing our country under great difficulties. All of us have many disadvantages to contend with in that western country. Want of experience, want of means and natural conditions keep us back, and we do not go ahead quite as fast as we would like to go; but the country is making good, substantial progress, and we are building comfortable homes for ourselves. New railways are being constructed, and in four or five years hence the trade of that country will have increased enormously. We are now building a line from Regina to Prince Albert. Not a bushel of grain produced at Prince Albert has ever found its way out, because there has been no railway to carry it. We are building 250 or 300 miles of road from Regina to Prince Albert which will open up a tract of land where there is a settlement already that will provide traffic at once. Then there is the North-West Central, and a road which is being built from Calgary to Edmonton, a feeder that will develop a large tract of country in which people will settle. There is also the road which is going down to Montana, and goodness knows how far it will penetrate in that direction, which will be a feeder to the Canadian Pacific Railway. When you consider what the effect of the construction of these feeders will be and the consequent development of the country, and the increase of traffic, you can easily realize what the possibilities will be in the next four or five years. An enormous traffic will be thrown on that road which will be beyond the power and capacity of that road to carry.

HON. MR. READ—Double track, then.

HON. MR. BOULTON—I would be very glad indeed to see the track doubled, but we want to get to navigation. We want to be able to export as much of our traffic by water as possible. We have to utilize the railroads to a certain extent, but the most economical way is by navigation. When we can get our grain to Port Arthur for 8 or 9 cents we can export it by way of Montreal, but not until then. That is why we are pressing the construction of the Hudson Bay Railway on the attention of the country. The Hudson Bay route may not be available early in the spring of the year, but that is not a matter of much importance to us. What we desire is to export as large an amount of our crop in the fall of the year as possible, because by that means we save the cost of storage, interest and shrinkage, which, I believe, will average about 10 cents a bushel. That is a very large percentage of saving to the farmers of the country. It would enable them to distribute amongst themselves 10 cents on every bushel of wheat that they lose now, and they would be so much more prosperous, and through their prosperity the whole country would be benefited. I fully believe that with the scientific applicances that we have for winter navigation, if we had the Hudson Bay Railway we could utilize the route by Hudson Straits well on into the month of November every year. I know that the insurance companies put up their rates after the first of November, and they must realize that up to that date, at all events, the dangers incidental to navigation are not very great. I believe myself that we will be able to utilize the Hudson Bay route up to the middle of November, and possibly latter in the year. Therefore, you can realize the advantage it would be to the North-West Territories and to the Province of Manitoba to find an outlet by which they could transport a portion of their crop in the fall of the year, before heavy loss has to be incurred in holding it over. This year we shipped only three millions of bushels by way of Port Arthur, but even that three millions, so heavy was the traffic on Lake Superior, and so great the demand for vessels engaged in other traffic, we found it difficult to ship. There was almost a block of grain in Port Arthur for want of vessels to take it away, and the capabilities of the Canadian Pacific Railway to carry more

than a certain amount of grain to Port Arthur by a stated period (say, the middle of November) are limited; but if we had this other outlet by way of Hudson Bay we could ship probably four or five millions of bushels in the fall of the year. Now, at 10 cents a bushel the saving on five millions of bushels would represent $500,000 a year to the people of the North-West Territories—they would gain that much by being able to transport that quantity of wheat by the northern route, instead of paying all rail rates to the Atlantic ports or holding it over until the opening of navigation in the following spring. That is a most important point to us, and stimulates us to put forth every energy in order to accomplish the object for which we have been working and striving for several years past. We have difficulties to encounter in our Province, because we are not possessed of our Crown lands. We have not the public resources to undertake a work of that kind in the same way that you have down here. We have no revenue of any description, except the income which we are allowed by the law of the country. We have no public resources within ourselves, and, therefore, we have to appeal to the enterprise and generosity of the people in the east to assist us in the construction of this road. All that has been done, so far, is to offer a land grant, amounting to six or eight millions of acres of land, as an assistance to the construction of that road, and so far we have not been able to accomplish anything with that assistance. The railway company has been organized, and has been making an effort to get capital for several years past, but the land grant has not been sufficient. We have not yet found that any land grant in that western country, even when the lands were situated in the most fertile portions of the North-West, has been sufficient to attract capital to build a single mile of railway. The Manitoba and North-Western Railway Company, whose line passes through what I think is the garden of the North-West, and whose lands are situated all along the railway, could not raise money in Europe to build the road. They had to get the Provincial Government to guarantee $6,400 a mile on their bonds, taking the land grant as a security for the repayment of the guarantee, but until the Provincial Government gave that guarantee to the Manitoba and North-Western, the Manitoba and South-Western, and other railways projected there, they were not able to raise money in Europe to build a mile of road, because the capitalists will not take the whole responsibility of developing that country. Similar difficulties present themselves when the gentlemen who are interested in the Hudson Bay Railway make an effort to promote the construction of their road. For that reason, we are al. anxious either that the Dominion Government should undertake the work as a national highway, which it really is, penetrating the interior of the continent and carrying, not only our trade, but traffic from the neighboring Republic; or, if they do not feel in a position to undertake the construction of the road as a national work, they should give assistance of such a practical character that it will enable private capitalists to take hold of it and carry on the construction of the road.

HON. MR. POWER—Perhaps the hon. gentleman will tell me how many miles long the proposed road is?

HON. MR. BOULTON—The proposed road is 700 miles long from Winnipeg to Churchill.

HON. MR. POWER—A little longer than the Intercolonial Railway.

HON. MR. BOULTON—Yes; a little longer. There is just one other point that I wish to dwell upon, and that is that the construction of this road would not be against the interests of the people of eastern Canada.

HON. MR. DEVER—It will be no loss to the eastern Provinces to lose their traffic.

HON. MR. BOULTON—It will not, for this reason: that under the most favorable circumstances, according to all the reports, the navigation of Hudson Straits lasts for about four months of the year, and therefore any development that takes place in consequence of the construction of that road must benefit the eastern Provinces for eight months of the year, because the freight must find its outlet eastward by the Canadian Pacific Railway for two-thirds of the years. If that northern route is developed it will help to build up the North-West Territory, and thereby increase the traffic from that country; and

I cannot see, therefore, that the construction of the Hudson Bay Railway can injure the people of eastern Canada. Again, all the money that we earn by our industry in producing wheat, fat cattle, oil cake and other products of that country, is spent down here in eastern Canada. Ninety per cent. of the goods sold in our country stores we purchase in the eastern Provinces.

HON. MR. POWER—But they would not be purchased in the eastern Provinces if this road were constructed.

HON. MR. BOULTON—Why? Of course they would! Do you suppose it is the cost of transportation that keeps foreign goods out? It is the National Policy that keeps them out. We have at present, in exporting grain to Europe, a cheap route by way of Lake Superior, but we cannot get a sufficient amount of grain out by that route to meet our requirements. No competition in traffic will give or deprive you of our trade, because it is preserved to the country by the National Policy. As I said before, the more you develop the North-West, the better the facilities you furnish for promoting its prosperity, the better it will be for the whole Dominion. You must admit that in twenty years we have been trying to develop that country, and though, thank God, we have been able to make comfortable homes for ourselves, we have not done anything that is going to alarm the world, so far as our material prosperity is concerned. It is all to come yet. We hope it will come, but it can only be brought about by the efforts that we want to put forth. I repeat, the development which will result from the opening up of the Hudson Bay route will only deprive these eastern Provinces of any portion of their trade for four months of the year, while they will have the benefit of the extra development of our trade over and above what it is now for eight months of the year. For the Maritime Provinces the opening of that route is of the utmost importance, because it will give them a cheap mode of interchanging trade and traffic with the North-West Territories. A vessel can go from Nova Scotia with iron, coal, or whatever other products they may have to sell us, to Port Churchill, by way of Hudson Straits, and in the most economical way bring back a load of flour, or wheat, or whatever produce of ours they may require. I think I can defy anyone to show that what I say is incorrect—that the cost of taking up the products of the Maritime Provinces to the North-West by way of the Hudson Bay route and bringing back what we are able to produce would be less than by any other route they can find. Although it is the back door of Canada generally, it is going to be the front door for the people of the Maritime Provinces. Although it is the back door, it is, nevertheless, essential to the development of the North-West Territories; and I believe that the time has come when the back door shall be opened, because it will add to the prosperity of the whole country, by drawing through Canadian channels not only the trade of our own country, which is being diverted to foreign channels, but also attracting the trade of the neighboring States to enrich our own people and build up our own country. These are facts that are worthy of consideration in themselves, and as against them you have only to put what you may conceive to be a loss from the diversion of a portion of our trade from your own doors. Although we are all governed more or less by selfish interests and motives, I do not think we should be entirely controlled by them. Whatever tends to benefit any one section of the country is worthy of the consideration of this honorable House. I would, therefore, conclude by expressing the hope that if the Government does not feel disposed to undertake the construction of the Hudson Bay road as a national highway that they may feel able to give such practical assistance to the enterprise as will ensure it construction. I understand from reliable sources that the Hudson Bay Railway Company are in a position to go on with the work, provided they can get practical assistance to enable them to begin the undertaking; and not only are capitalists ready to take hold of the road, but the firm of Millburn & Sons, a steamship company, which does an enormous trade in the Baltic and sends steamers to Archangel, is willing to enter into arrangements with the railway company to provide steamers for the navigation of Hudson Bay, and an insurance company is willing to insure the vessels.

HON. MR. POWER—Where a notice of this sort is given it is not customary to ask the Government to answer the question forthwith. I think that the hon. gentleman, in putting the inquiry in the form in which it is, has opened the subject up for discussion; and it is a question of such importance that it should be discussed before the Government reply. In accordance with the practice of the House, I propose to discuss the matter a little before the leader of the House replies. I think that every hon. gentleman must feel that the remark which I ventured to make at the opening of the Session, that we had in the hon. gentleman who has just sat down a very valuable addition to the speaking power of the House, was well founded. The hon. member has put this case before the House in a very clear and striking way; and if he has failed to carry conviction it is not his fault, but the fault of his case. The hon. gentleman's proposition is that without further inquiry we should forthwith either construct a railway 700 miles long or guarantee the construction of the road—that we should give a guarantee which, under the circumstances, will be equivalent to undertaking to pay for the road. That is the proposition; and, hon. gentlemen who know anything about the Intercolonial Railway and know what it has cost and how it has been regarded in the past by all eastern Canada, can form some idea of what the extent of the hon. gentleman's proposition is. He proposes that we should undertake to spend something like thirty million dollars.

HON. MR. DEVER—Forty millions.

HON. MR. POWER—I wish to be reasonable. It is certainly to spend not less than twenty-five millions, and probably thirty million dollars, in constructing a railway from Winnipeg to Fort Churchill. Now, I think when any company or any member of Parliament makes a proposition of that kind—when he proposes that the Government shall undertake to spend or to guarantee so large a sum of money—he should be prepared with the most conclusive evidence that the scheme upon which that money is to be expended is one which will repay the country for the expenditure. In that point the hon. gentleman has failed. He has not removed doubts which have always existed in the minds of people in eastern Canada as to whether the Hudson Bay route was an available and reliable commercial route. I understood the hon. gentleman to say that a portion of the year's crop might go out each season; and the hon. gentleman, I think, arrived at that conclusion only by straining the evidence which he himself submitted to us. He read the statement of an observer at Ashe Inlet, on the northern side of Hudson Strait. The observer said he thought there was nothing to obstruct the navigation of the strait up to the 1st October, and under favorable circumstances to the 15th October. When the hon. gentleman came later on to practically re-state what he had stated in the beginning of his speech, he said the 1st of November or the middle of November.

HON. MR. BOULTON—I read the months of July, August, September and October.

HON. MR. POWER—I did not so understand the statement of Mr. Tyrrell, whom the hon. gentleman quoted. I thought that the observer spoke in a qualified manner of the latter half of October. As to the evidence of Mr. Tyrrell, I have not examined it very carefully; but it just happens that the observer at Ashe Inlet might not be in a position to speak as conclusively as to the navigation of the strait as an observer at Port Burwell. At Ashe Inlet the ice passing east from Hudson Bay has not been met by the current coming down Davis Strait; and there is a tremendous current and a great deal of ice generally found at the eastern opening of Hudson Strait. The greater part of that ice comes down through Davis Strait, and of course the observer at Ashe Inlet would see very little of that. He would only see the ice from the west go through Hudson Strait. As I have said, the thing which the hon. gentleman is bound to do first, before the Government are in a position to spend any money, or pledge the faith of the country to any expenditure, is to establish the navigability of Hudson Bay and Strait—that is, to establish that they are navigable for practical commercial purposes. In order to do that the hon. member has quoted Mr. Tyrrell, and has given the experience of a steamer called the "Arctic," which I presume from her name was peculiarly fitted to deal with

ice, and which got into Hudson Bay during the month of June. He also referred to a report made by Capt. Markham, who appears to have gone in the "Alert," the Canadian Government steamship, as an agent of the promoters of the Hudson Bay Railway Company. We all know that the evidence of a gentleman of that sort is always to be taken with a certain allowance. Without at all saying that Capt. Markham would state what he did not believe to be true, it is always expected that a gentleman who goes out with a strong desire to find a certain thing will generally find that thing. He does not take the impartial view of what he observes that a person should take in a case of this kind. Capt. Markham went to Hudson Bay anxious to find out, if he could, that the route was navigable, so that the company which he represented would be able to place its bonds advantageously in the money markets of the world. Lieut. Parry, afterwards Sir Edward Parry, said that Hudson Straits were open for navigation not earlier than the first week of July. I think that that is probably correct. It is rather singular that the hon. gentleman in submitting to us evidence to show the character of the navigation of Hudson Strait did not submit the report made by the Government officers who were sent out for the express purpose of making enquiry into the subject. The result of these expeditions was felt to be in the negative. The "Neptune" went one year, and the "Alert" I think two years, into Hudson Bay. There were observing stations established at different points, from Port Burwell, at the east end of Hudson Straits, to Churchill; and apparently the net result of all the observations was that this Hudson Bay route was not regarded as a practicable commercial route. The hon. gentleman said that we should remember that the authorities which he cited dealt with sailing vessels, and that steamers could do very much better than sailing vessels. No doubt they can; but we have the experience of the steamer which the Government sent in there. On two occasions, during two voyages, the steamer broke her propeller. On the first voyage of the "Alert"——

HON. MR. BOULTON—It was in consequence of being an auxiliary steamer that the propeller was broken. It was only an auxiliary screw steamer—that is, they pull the screw up and down. The full capacity of the steamer was only 6 knots an hour, in consequence of it having an auxiliary screw; and I believe the accident happened in the pulling of it up and down.

HON. MR. POWER—There was no statement to that effect in the report. The hon. gentleman may have ascertained that the accident happened that way from talking with the commander of the vessel. In reading the report I did not see it so stated. It was said that the propeller was broken in the ice, and the steamer was at the time trying to push her way through the ice; so I presume the propeller must have been in the water and that the hon. gentleman is wrong. In the Spring of 1885, when the "Alert" got to the mouth of Hudson Strait, she found things just as I have stated—that the ice brought down by the Davis Strait current meeting with the ice coming out of Hudson Strait caused such an obstruction that she was not able to get in; and the steamer backed and filled for some weeks off the mouth of the strait, and ultimately, after sustaining damage from ice, was obliged to go to St. John's, Nfld., for repairs.

HON. MR. KAULBACH—When was this?

HON. MR. POWER—In the month of June. This was a steamer that was not constructed for Arctic service, but was a sealer, and constructed with a view of dealing with ice.

HON. MR. HOWLAN—The "Alert" was an Arctic steamer. The "Neptune" was a sealing steamer.

HON. MR. POWER—I do not propose to deal with this question of the navigation of Hudson Strait any further, except to say that I think enough has been shown to cause very great doubt as to the practicability of that route for commercial purposes. No doubt, strongly-built vessels can get in and out probably without any reasonable risk, for two months in the year; but beyond that there is no certainty of their getting in and out; and if a vessel cannot get out later than the middle of September, then she is of no use for carrying out that season's crop. That fact must be borne in mind.

Now, let us suppose that the case is as the hon. member puts it. Let us suppose that everything is as he says—that under favorable circumstances the straits can be navigated until the 1st of November, and that a certain portion of crop—I think the hon. gentleman said five million bushels could be taken out; and that—I presume he made a pretty liberal allowance—the saving to the people of the North-West would be about five hundred thousand dollars a year. What would be the cost of the road to the country? If that road cost twenty-five million dollars, as it probably would——

HON. MR. BOULTON—Fifteen millions is the outside estimate.

HON. MR. POWER—No one in Canada pays attention to the estimated cost of railways. A railway of 700 miles long cannot be built in such a country as that for twenty thousand dollars a mile. All North-West railway companies that we incorporate to build railways over the prairie, through good lands, and with a favorable climate, take power to bond their roads for twenty thousand dollars a mile; and it is out of the question to say that a railroad leading through such a country as that which intervenes between Winnipeg and the Hudson Bay coast, where supplies would be so costly and where work could be carried on for such a comparatively short period during each year, could be built for any such price. I am satisfied that the road will cost about as much as the original construction of the Intercolonial Railway. It cannot be built for less than twenty-five million dollars; and that is a large sum to pay for the purpose of saving half a million dollars a year to the people of the North-West. There is another way of looking at the matter. Supposing that the road was built and was operated until, say the 1st of November. Let us consider what the business of that road would be during the months of July and August—that is, if the previous year's crop was carried out during the year in which it was harvested, the road would have little to do in the way of carrying anything to Fort Churchill. It would have something to do probably in September and October. After the 1st of November there would be no business for the road until the 1st of July. Now, I think that if the hon. gentleman and his friends who propose to build that road will stop to inquire they will find that if they wish to make that road pay they will have to charge high rates for the time it will be in operation. To make an investment of twenty-five million dollars in that road profitable they would have to charge such rates that the people of the North-West would find it a good deal cheaper to send their wheat out by the existing routes. But then we do not propose to depend upon existing routes, because—and I was rather surprised that the hon. gentleman did not refer to the fact when speaking of the Sault Ste. Marie Canal—the Canadian Government are now engaged in the construction of a canal at Sault Ste. Marie for the express purpose of affording an outlet, independent of the United States, for the produce of the North-West through our own territory; and the hon. gentleman's proposal is to try and neutralize the work that the Government are doing there by sending grain out by another route.

HON. MR. BOULTON—I propose to increase its outlets.

HON. MR. POWER—That is the way it strikes me. The hon. gentleman has called on us to be up and stirring on behalf of the North-West. I think we have been stirring for a good while, but it is seemingly a case of "hope on, hope ever." We have built the Canadian Pacific Railway; we have given the Northern Pacific admission into that country in order to afford the farmers the competition which they think necessary; we are now engaged in the construction of a canal which will cost us $5,000,000, for the purpose of affording an additional exit for the grain of that country. We have spent altogether, I presume, not less than $100,000,000 on behalf of the North-West. Now, just when we begin to realize some little advantage from this tremendous expenditure, the people of the North-West, through the hon. gentleman, come in and tell us to cut our own throats commercially—to render useless the expenditure which has taken place. The hon. gentleman, by some process of reasoning that I was not quite able to follow, undertook to prove to us that the trade of the remaining eight months, when this

route would not be available even if opened, would be greater than the trade of the whole twelve months if the road were not built.

HON. MR. BOULTON—Hear, hear.

HON. MR. POWER—By what process of reasoning he arrived at that conclusion I am not able to understand.

HON. MR. DEVER—The whole is less than its parts.

HON. MR. POWER—It is really a case of the part being greater than the whole. In reply to an inquiry of mine, the hon. gentleman said that the increased importations which the farmers of the North-West would be able to make would benefit the importers of Montreal and other eastern cities. The hon. gentleman said that owing to their increased prosperity the people of the North-West would deal more largely than now with manufacturers and importers of the east. I do not see the thing in that way; because, even though, as the hon. gentleman has said, the National Policy does keep out many English goods, it still lets in many goods from England and the United States; and if we shorten the distance, the lower freight rates from England would render English competition with Canadian manufacturers and dealers much keener, and those ships coming out for grain would carry goods from England to Fort Churchill at very low rates indeed. I fail to see, then, that the hon. gentleman has established that we can get anything in return for the expenditure on this road. I was pained to hear the hon. gentleman tell us that, after twenty years of generous, lavish expenditure by the people of old Canada on behalf of the North-West, so far they have realized nothing.

HON. MR. BOULTON—I did not say that. I said we had realized comfortable homes, but so far as wealth was concerned we had realized nothing.

HON. MR. POWER—I understood the hon. gentleman to intimate that they had not realized what they had expected, and that things were not in the condition in which they ought to be by any means. I am surprised to hear a statement of that kind from him. If it had been made by a member of the party to which I belong he would immediately have been condemned for crying down the country; but when that sentiment is uttered by a loyal Conservative it is considered praiseworthy. I wonder how long this cry is to continue. We have been spending money like water on the North-West—how long is it to continue? I for one feel that, so far as we in the east are concerned, we have done our duty by the North-West, and that we shall continue to do our duty; but that, having given the North-West Territories ample means of access to the Pacific and Atlantic oceans, and to the country east, west and south of themselves, we have done our duty, and we are not bound to give them communication by rail with the North Pole or any region short of the Pole in that direction. I think we are not unfair in assuming that position. I do not know whether or not my sentiments are those of the majority of the people in the east; but my feeling about the matter is, that if by-and-by the population of the North-West increases and feels cabined, cribbed and confined in its trade for want of an outlet by way of the Hudson Bay, then we shall have no objection to that population making an outlet for itself; but why we, whom they propose to injure, should be asked to deprive ourselves of the small results that have accrued from a vast expenditure, is something I cannot understand. We are perfectly willing that they should do it. As one of the members of this House, I shall be prepared to give them all the facilities that Parliament can afford to construct a road; but I think it is a work which should be done at the expense of the people for whose benefit it is intended, and not at our expense. I observed recently that the Manitoba Legislature withdrew the offer of certain aid which they at one time proposed to give this road. That would look as though the people most directly interested in the undertaking had come to the conclusion, either that the scheme was not a practicable one, or that the game was not worth the candle—that it would cost more than it was worth. I think it would. I think to build 700 miles of road in order to give 150,000 people an outlet for two or three months of the year by way of the Hudson Bay would be really a case where the game was not worth the candle; and I do not hesitate to express the hope that the Government do not propose to build the

Hudson Bay road themselves or to use the public money of the Dominion for the purpose of subsidizing such a road.

HON. MR. KAULBACH—When the subject of utilizing the Hudson Bay for the purpose of opening up a route to the North-West was discussed in this Chamber, I was quite a strong supporter of the project, and I am yet. I believe it is necessary and that it will be found practicable in the end for commercial purposes. My hon. friend from Halifax is illogical. He first says that this road would be useless—that it would not be practicable for commerce—that it would be spending so much money for nothing—that it would not take the trade which the people of the North-West believe it would; and the next moment he complains that it would divert trade from the Maritime Provinces and take it by that route.

HON. MR. POWER—I said that if it were a practicable scheme that would be the effect of it.

HON. MR. KAULBACH—My hon. friend reasoned that it would have the effect of paralyzing the trade of existing channels. My hon. friend went further, and said that if we had closer commercial relations with Europe it would interfere with the trade of this country. We are trying to get more direct and rapid communication with England, in order to help the trade of this country. Now, if we have spent $100,000,000 on the North-West—and I do not believe we spent two-thirds of that amount—no money was ever invested in any country from which greater advantages have been derived. It has opened up a country with immense capabilities—a country whose future we cannot realize, and whose resources we have not yet appreciated. Not only ourselves, but all Europe and especially England, are alive to the importance of the development of our country, and Canada will never be what it should be until we have a larger population in the North-West Territories. My hon. friend spoke of Manitoba: that is not all of the North-West; it is but a small portion of that vast country, and if Manitoba, out of its small revenue, feels unable to expend the large amount of money which would be necessary to make this undertaking a complete success, it is unfair to say that it is regarded as impracticable there. I believe that Manitoba is now alive to the advantages which would result from the construction of that railway, and is willing to contribute a large proportion of the expense of opening up the route. The hon. gentleman from Halifax says that with our North-West it is "hope on, hope ever." If the hon. gentlemen who are opposed to the Government had succeeded in their policy where would the Pacific Railway be now? They prophesied that the road would not be built for forty years; they said that the resources of the country were not sufficient to complete it, and that if it were built it would not pay for the grease on the wheels. That is what we heard from the hon. gentlemen when the Canadian Pacific Railway was still a projected undertaking. Now the hon. member from Halifax says that after all the Canadian Pacific Railway has done nothing. He does not seem to know that it has attracted the attention of Europe, and of England especially, to the advantages which this country affords for an industrious population. He does not seem to be aware that it has given us a status that we never would have had among the commercial countries of the world if that Pacific Railway had not been built. Now, I believe the North-West country will ere long be filled up with an industrious population. While I was abroad I was asked over and over again for information about our North-West, and the principal objection that I heard made to it as a field for settlement was the difficulty of getting the produce of the country to European markets. Men who have given attention to the subject have expressed a belief that until we do open up the Hudson Bay route for commercial purposes we cannot expect a great influx of people into our North-West Territories. Much depends upon that. My hon. friend who moved this resolution probably took a rosy view of this matter. I believe he made the best of the case—probably he magnified it in his desire to serve his country. I appreciate the position of my hon. friend in that country, and the vast importance of this subject to the people who are struggling to find outlets for their products to the markets of the world. He has put the case forcibly before us, and in a manner creditable to himself and to the country which he represents. On the

other side, my hon. friend from Halifax has endeavored to belittle that North-West country and its resources, and the capabilities of the Hudson Bay route for transporting the products of the North-West to Europe. I have not taken the pains that my hon. friend has in looking up this matter, but from the reports I have read of those who have investigated the question of navigating Hudson Bay I have come to the conclusion that we will have that route open for nearly four months every year. My hon. friend spoke of the "Alert," and I asked him what time she was at Hudson Bay? He replied in the month of June. We know that in the early part of June there are large ice floes and small icebergs in that region, but in the autumn of the year, when we most require that communication and when it would be of the greatest advantage to the North-West, those difficulties do not exist. My hon. friend tells us that the temperature of Hudson Bay is 14 degrees higher than the temperature of Lake Superior at the same season of the year. It is a fact of which I was not before aware, and it tends to strongly confirm my belief in the practicability of the Hudson Bay route. Though we in Nova Scotia have no direct interest in opening up the Hudson Bay route—in fact, many people believe that it would divert trade from the Maritime Provinces, though I never could see it—yet at the same time, believing, as I do, that we must legislate here, not in the interest of any one Province, but for the benefit of the whole Dominion, and feeling, as I do, that the opening of this route would rapidly increase the population of the North-West, I shall give it my support, believing it to be in the interests of the whole Dominion. I am proud, as a Canadian, of what the hon. gentleman from Shell River has said about the North-West.

HON. MR. DEVER—Buncombe!

HON. MR. KAULBACH—Although the answer that he may get from the Government to-day may not be all that he desires, yet in bringing the matter before us he has done much towards speeding the time when this project will be accomplished and a route opened for commerce. My hon. friend from St. John says "buncombe," and I do not know where that comes in or to whom he applies it—whether he applies it to myself or to my hon. friend from Shell River. If he applies it to myself, I can regard it with perfect complacency and even with amusement. When we in this country array ourselves, one Province against another, and say that we will not support an undertaking because it may possibly injure the trade of some section of the Dominion, we cease to be patriotic. I believe that the interests of this country do not run in parallel lines, antagonistic to each other, but that they act and re-act upon each other. I believe that the prosperity of any part of Canada must tend to promote the prosperity of all. You cannot depress a portion of the country without affecting the commercial prosperity of the whole Dominion. I have risen on the spur of the moment, not expecting that this matter would go further than the remarks made by the hon. gentleman who puts the question. He has opened up the subject in a manner creditable to himself, and shown us the advantages which the construction of the Hudson Bay Railway will confer upon the whole Dominion, and more particularly upon that part of it from which he comes. If the Hudson Bay route can be made a practicable channel for commerce it will do more than anything else to fill the North-West with a large population, and its benefits will extend to every portion of the Dominion.

HON. MR. HOWLAN—I do not rise to prolong this debate further than to congratulate my hon. friend on the very able and distinct manner in which he has brought this matter before the House. We are all indebted to him for the information he has furnished. On the question of the navigation of the Hudson Bay at certain times in the year, I have to differ from the conclusions of my hon. friend from Halifax. We had a parliamentary committee some sessions ago, which took up this question, and examined several witnesses, and had access to the logs of Hudson Bay Company's vessels extending over a period of some thirty-seven years. We had also before us a report of a British Admiral, in which it was gravely stated that the Gulf of St. Lawrence would only be navigable for a much shorter period each year than we know the Hudson Bay to be open to vessels. I am one of those who believe and stoutly maintain that Hudson

Bay is navigable for four months of each year, and that a ship designed for those waters must be of a very different character, and be very differently equipped from those vessels which were sent there by the Government. The "Alert," formerly known as the "Arctic," was a very good ship for what she was constructed to do; but ships, like horses, must be selected to suit the purpose that one has in view. You cannot combine in the one animal the qualities of the racer and the cart horse. And so it is with ships: you cannot utilize a vessel for one service which was designed for a totally different service. While the "Arctic," or "Alert," was well fitted for housing men in an Arctic climate, she was not built for speed. She depended more on her sails than on her screw. A very different class of vessels would be required to carry grain on the Hudson Bay route. They would require to have greater capacity and a higher speed. Six knots an hour was the speed of the "Alert." A ship designed for the Hudson Bay trade should have a capacity of about 6,000 tons and a speed of not less than twelve knots an hour. I think the fact that Hudson Straits can be navigated for four months of the year has been pretty clearly demonstrated, but when you come to the question of the Government building a railway 700 miles long at a cost of not less than $20,000 per mile it is asking a good deal. The Government have gone a long way already. They have offered a land grant of 6,400 acres per mile.

HON. MR. BOULTON—The grant is 6,400 acres per mile in the Province of Manitoba and 12,800 acres per mile outside of the Province.

HON. MR. HOWLAN—I think, therefore, that the Government must have satisfied themselves, to a certain extent, as to the practicability of this northern route; otherwise, they would not have made such an offer. If those lands in Manitoba are worth $2 per acre that would be a contribution from the Dominion Government of $12,800 per mile for the portion of the road in the Province, or three-fifths of the estimated cost of construction. I am not prepared to estimate the value of the land grant outside of Manitoba, but it must represent a very considerable contribution towards the undertaking. One gratifying feature of this discussion is the statement of the fact that so small a community was able to export in one year 13,000,000 bushels of grain. Nobody could have predicted such an extraordinary result in so short a time from the opening up of that country — nobody could have anticipated that so soon after the building of the Canadian Pacific Railway it would be blocked with grain produced in that sparse settlement. Very soon we may hope to see the export from the North-West doubled and quadrupled. It is no exaggerated estimate of the possibilities of the near future. Last year California exported 32,000,000 bushels of grain, and I think the total production of the State was 61,000,000 bushels. At a very moderate estimate, in twenty years from now the trade of the North-West will exceed the capacity of the existing routes to handle it, and the Government will therefore look favorably upon any project which tends to increase the facilities of transportation in that country. I think we are safe in leaving the matter in their hands. The Government that has grappled successfully with the Canadian Pacific Railway, and made it a success, and promoted the settlement and development of our great North-West, will go forward in the same spirit, and may safely be trusted to provide for the wants of the country which my hon. friend from Shell River so ably represents.

HON. MR. GIRARD—This question has been brought before the House from time to time, and on every occasion has excited deep interest. I did not expect that it would give rise to a long discussion to-day on the probable cost of the undertaking. This House cannot in any way deal with the question of expenditure, and our only object in discussing the matter here is to impress the Senate and the country with the importance of the project. I have no doubt that the Hudson Bay Railway will be constructed before long. The rapid settlement of Manitoba and the North-West will render its construction necessary. We need it in the interests of the Dominion as well as in our own interests. We cannot much longer leave the natural wealth on the shores of the Hudson Bay undeveloped. We must either undertake this

work ourselves or it will be undertaken by those who will succeed us ere long. I am surprised at the feeling which has been expressed on the subject of the expense which the construction of that road will entail. I have before me an offer of a gentleman who is in a position to furnish a guarantee of his good faith to build the road for $25,000 a mile, and if he is given the control of the enterprise he and his friends are quite capable of carrying out the engagement. According to that estimate the road would cost about $17,500,000, which is not an excessive sum. I know in Manitoba we want to have the road built at any cost. When the present Manitoba Government came into power they adopted an economical policy, of which I approve; but nevertheless they have been obliged to change their policy, and, what is more, have decided to incur the necessary expense to interest capitalists in the construction of that road. I think it is a project which could not be left to local enterprise. The Imperial Government authorities and the Dominion Government should aid the local Administration in the construction of such an immense work—a road which will certainly be an advantage not only to Canada but to the Empire. From all I can learn, the navigation of Hudson Bay will be open for four or five months of the year. It has been the means of communication between England and the Hudson Bay territories for two centuries, and it was by that route that the first white settlers of the North-West penetrated to the Red River under Lord Selkirk. Some of their descendants are still living in the Province of Manitoba. In all the years that the Hudson Bay has been navigated I have never heard of any great disaster occurring there, such as we hear of continually on other seas. While, therefore, Hudson Straits are closed for a considerable portion of the year, the route has the advantage of being safe while it is open. It has been said that the Dominion has expended a large amount of money for the benefit of Manitoba and the North-West. I am under the impression that we have collected enough within our own limits to pay our way, and many settlers have come from the older Provinces of the Dominion to cast in their lot with us. I do not know that they have all succeeded, but they have taken their chances. I think it is not generous on the part of some members of this House to say that Manitoba is a burden on the Dominion. I do not believe that the Province has failed at any time to contribute its share to the public revenue. Nevertheless, we are a new country, and we are not in a position to prosecute such large works unaided, and we should not be called upon to bear all the risks and expense of opening up that new country alone. We are perfectly within our right in asking for aid from the central Government, and if it cannot be given we are at least entitled to have our demands carefully considered. We don't seek to promote our own interest only; what we demand is assistance for the prosecution of a work which will benefit all Canada. With a view to proving that we take a great interest in the construction of the Hudson Bay Railway, I take the liberty of reading to the House the following article from the Winnipeg daily *Tribune* of the 8th instant:—

"A petition signed by representatives of Manitoba and the Territories, asking that the Dominion Government will grant a guarantee to land grant bonds for the construction of the Hudson Bay Railway, will be presented to Sir John Macdonald, as Minister of Railways. The petition sets forth that if the Government gives the guarantee that there are capitalists who are ready to go on with the construction of the road. It is not at all unlikely that the representatives of the North-West in the Senate and House of Commons, with Mr. Hugh Sutherland, will form a deputation, and the whole subject will be fully discussed before the Government next week. The general impression by parties who ought to know is that the Government looks favorably upon the scheme, and that the aid asked for may be granted, if not entirely, at least in a modified form."

From what has been said, it seems that the Government are better disposed than many members of this honorable House to grant something in aid of this undertaking. I hope the Senate will give this question the consideration which is due to a work of such importance.

HON. MR. SUTHERLAND—It is well known that the Hudson Bay Company have been navigating these northern waters for two centuries and, if I am correctly informed, during all that time only two vessels have been lost. I know that one of them was a miserable ship. I had reason to give more than ordinary attention to the case, having lost something on the vessel myself. This would go far to show that the navigation of Hudson Bay and Straits is not so very dangerous after all. I am informed by a

gentleman who has navigated the Hudson Bay that a vessel owned by a friend of his went out through Hudson Straits on the 15th of January, and if that is correct in one instance there is no reason why other vessels should not pass in and out in mid-winter. No doubt there will be some drawback to the navigation of the straits except during three months of the year. One great advantage of the opening up of this route is the facilities it will afford for the settlement of the country. Where could we get a better and safer route than this one for bringing in a population to our vast western territories. I may mention a fact that I had from my father: when he came to this country the vessel in which he sailed was detained two weeks in the same locality by calm weather. There was little or no ice, but there was a dead calm. Another point that I may refer to and explain is about the Hudson Bay Company only sending their vessels out about the 1st July. They do so because it suits them in more ways than one. Their boats from the north would not be down even then. They generally come about 1st the August with their supplies, and consequently the Hudson Bay Company have no reason to send their vessels any earlier than to arrive there about the 1st August. These are the only points I wanted to bring out, as they had not been touched upon by others. The question has been dealt with so fully that I do not believe I could add anything of consequence to what has been already said.

HON. MR. READ (Quinté)—I cannot allow this debate to close without giving my opinion, and I think I should give it with no uncertain sound. We should not allow an impression to go abroad that we would offer any encouragement to this project beyond what has already been done by the Government. Are we to spend an immense sum of money on a chimerical scheme like this at the present time? Do we desire that in the near future we should be taxed beyond endurance to meet this enormous outlay? I do not see what other sources of revenue remain, unless we put a tax on bills of exchange and promissory notes. The interest of our debt has got to be paid, and we must look to see where our revenue is coming from before we incur further expenditure. No doubt the hon. gentleman who has brought this matter up has done what he conceives to be his duty to the people whom he represents; but in Ontario we have all the burdens we are able to bear, and I do not think we are disposed to incur any more indebtedness. We have been doing a great deal to develop the North-West. We have furnished means of communication with the seaboard, and we are now spending a large amount of money on the construction of a canal at Sault Ste. Marie. That is all that is likely to be required for many years to come. The very routes that are open now are nearer to water communication than the proposed railway. From Winnipeg to Port Arthur is a less distance than from Winnipeg to Fort Churchill, while Lake Superior is open for seven months of the year at least. From Port Arthur down to the sea there is an excellent water route, and it will be quite practicable to ship grain from Port Arthur to Liverpool when the deepening and enlarging of the St. Lawrence canals is completed. Vessels drawing 14 feet of water can then pass through from Port Arthur to the sea. I think the means of communication that we already possess will be ample for the requirements of the country for a number of years to come. We are told that $25,000 a mile would be sufficient to construct this road. A different impression prevails in Ontario. To-day I presented a petition for legislation for a road through the heart of Ontario, in which power is asked to borrow to the extent of $30,000 a mile. It is true that the line runs through a wooded country, but I doubt if a road can be built from Winnipeg to Hudson Bay at a less cost. Figures have been furnished to show that this Hudson Bay route would enable the people of Manitoba to ship 5,000,000 bushels of wheat in the fall of the year. I thought I would calculate how many cars it would take. It would take 250 trains of 20 cars each to carry that amount of wheat down to Fort Churchill. They could not do anything of the sort; they could not get the cars. It seems to me that we are asked to provide means to do an injury to ourselves—to spend money to take trade away from ourselves. I am willing to be reasonably liberal to my neighbors, but I think I have a right to look to myself. If we had not already been liberal in the extreme I would not oppose this scheme from any point of view; but the Government have offered a liberal land grant, and

that ought to be enough. Let the Government give as much land as they please in that country, but the people there must construct the road without any further aid from the central Government.

HON. MR. LACOSTE—I have listened, and I believe every member of this House has listened with very great interest, to the learned and clear statement made by the hon. gentleman from Shell River, and also to the valuable remarks which fell from the lips of the other hon. gentlemen who have spoken. Debates of this kind are not only interesting, but are also fruitful of good results. I have no doubt that the Government will weigh properly the reasons given on both sides; but in answer to the inquiry made by the hon. gentleman, I have to say that the Government have not yet come to any conclusion on this subject.

GREAT NORTH-WEST CENTRAL RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (J) "An Act respecting the Great North-West Central Railway Company." He said: The objects sought by this Bill are of a domestic character, rendered necessary by the fact that English capitalists have taken up this road and desire to have the number of directors increased. The existing Act restricts the number to five; this Bill proposes to increase the number to seven, with power to diminish the number at the option of the company. I am happy to inform the House that fifty miles of the road have been constructed and equipped, and that the company intend to complete the line in the spring, furnishing railway communication to the whole country between Brandon and Battleford. This road has been long sought for and desired by that important section of the country, and I am glad to be able to inform the House that the work is to be carried to completion in so short a space of time.

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

TORONTO BOARD OF TRADE BILL.

SECOND READING.

HON. MR. McKINDSEY moved the second reading of Bill (K) "An Act respecting the Board of Trade of the City of Toronto." He said: The Board of Trade of the city of Toronto, by its Act of incorporation and amendments thereto, has power to hold property to the extent of $500,000 and to create a bonded debt of $300,000. The rapid increase of Toronto in population, and in the value and importance of the Board of Trade, renders it necessary that they should have a building for their accommodation which will cost more than the amount authorized by their Act of incorporation. They have purchased land in a very central part of the city and have commenced the erection of a very large building, and they ask by this Bill to be authorized to hold property to the value of $750,000, and to exercise bonding powers to the extent of $500,000, and to be allowed to issue first, second and third-class bonds, and to give a mortgage as collateral security for the payment of the bonds. The building which they are erecting will be a credit to the city of Toronto and in harmony with the public buildings which surround it. They also ask that the provisions of Cap. 127, Sec. 7, of the Revised Statutes of Canada shall not apply to the debentures or securities referred to in the Bill. They want to be able to call in the bonds at any time they may choose to do so, on giving notice in two of the Toronto daily papers. Last year the Board of Trade entered into an agreement with certain persons, who furnished money to purchase the land and erect the building which is now in course of construction. This agreement is made an appendix to the Bill for the purpose of ratifying it, and making it a portion of this legislation.

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

IMPROPER USE OF WEAPONS BILL.

SECOND READING.

HON. MR. READ (Quinté) moved the second reading of Bill (B) "An Act respecting the improper use of Firearms and other Weapons." He said: This is exactly like the Bill which passed through this House last Session. It being late in the Session when it went to the House of Commons it was not reached before prorogation. It is not necessary to explain the Bill; it was before the Senate last year, and was then discussed and thoroughly understood.

HON. MR. KAULBACH—Are there no changes in the Bill?

HON. MR. READ—No changes.

HON. MR. GIRARD—These small bills should not be adopted without careful consideration. They may interfere whith the rights and privileges of the subject. The first clause provides a penalty for any one carrying a pistol or air-gun, unless he has a certificate exempting him from the operation of the Act. I think the air-gun should be prohibited; it is the murderer's weapon; but I do not think that a man who carries a revolver on his own premises should be subject to this penalty. I think the second line of the clause should be struck out, because, if any one fears an assault or injury to himself or his family or property, he can go to a magistrate and make a declaration and get a certificate, as provided for in the Bill.

HON. MR. KAULBACH—I fear that my hon. friend from Quinté will not accept the suggestion. I moved in the same direction last year, and not only he, but the leader of the House also, opposed me. At home we practise with pistols and air-guns for amusement, and would come within the scope of this Bill and be liable to a fine. There is no intention, according to the view taken by the House last year, to modify the Bill in any way. You cannot carry a pistol even on your own grounds.

HON. MR. LACOSTE—These details can be discussed when we consider the Bill in Committee of the Whole.

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

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Wednesday, February 12th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (M) "An Act to authorise the Toronto Savings Bank Charitable Trust to invest certain Funds." (Mr. Sullivan.)

Bill (L) "An Act to amend the Railway Act as respects running powers." (Mr. Lougheed.)

BETTER SECURITY OF FISHERMEN BILL.

The House resolved itself into a Committee of the Whole on Bill (E) "An Act for better securing the safety of certain Fishermen."

(In the Committee.)

On the first clause—

HON. MR. KAULBACH—I regret that my hon. friend did not delay the second reading of this Bill until I was in my place in the House. I opposed this Bill last year, as I did not believe that itafforded the protection which the preamble would lead the House to believe it did. I consider it a useless measure, but I cannot very well, at this stage, oppose the principle of the Bill.

HON. MR. POWER—The Bill was read the second time with the express understanding that the right was reserved to every hon. gentleman to oppose it at the committee stage if he chose.

HON. MR. KAULBACH—Unless some necessity is shown for the legislation, it is worse than useless to encumber our statute books with such enacments. My hon. friend failed to show any necessity for this Bill. I come from a county which is more deeply interested in fishing than all the rest of the Province of Nova Scotia together. Interested, as I am personally, in that enterprise, I would be the last man in this House to object to any reasonable protection which could be afforded to the hardy race of men whose employment is so greatly in the interest of the Dominion. Although I have not been home since last Session, yet I have questioned men who are engaged largely in this enterprise in the county of Lunenburg, and they reply that the Bill will do no harm, but it will do no good. The men engaged in the fishing industry in my county actually do what this Bill proposes that they should do. Our fishermen are no hired laborers, but have an interest in the vessels in which they are engaged. A number of them club together and build a vessel, and select their leader, and they are not like hired servants, obliged to obey the orders of masters. They are very intelligent men, and know better what is required for their own protection than any one less interested in their calling. It seems to me rather a

stigma on these people to say that they tare so utterly lost to their own interes and so devoid of the instinct of self-preservation that they must be compelled to take a compass and supply of provisions and water in their boats. Sometimes the men down there like something more stimulating than water.

HON. MR. POWER—Well, let them take something to mix with their water.

HON. MR. KAULBACH—If this Bill were applied to the deep-sea fisheries there might be some reason in it, but it is not confined to deep-sea fishing. It would apply also to a boat going into a harbor to set a net, or into the mouth of a bay to catch alewives. I do not think that my hon. friend intended his Bill to include such boats, but that he had in view the deep-sea and bank fisheries, to which it might properly apply. If the House passes this Bill as it is now, it will apply to every vessel engaged in the fisheries, and I hope that my hon. friend will amend it in the direction I have indicated. If my hon. friend can suggest some means by which it could be made to apply to our hardy firshermen who are engaged on American fishing vessels, and many of whom are lost every season for want of just such precautions as this Bill provides for, I could see the value of this legislation. The Bill does not provide for supplying a fog-horn or trumpet for each boat, though I think it would be more important than some of the things that they are obliged to carry. This legislation is not necessary in the waters adjacent to the island of Prince Edward, and it certainly is not wanted along the coast of Nova Scotia. It would be an advantage for deep-sea and bank fisheries. Instead of benefiting the fishermen of Nova Scotia, this Bill would be doing them an injury. It is not only useless; it is worse than useless—it is a positive injury. I would suggest to my hon. friend to include with the articles specified in the clause a fog-trumpet, which is even more important than water and provisions, and that he alter it so as to make it apply only to deep-sea and bank fishing, and not to shore fishing or vessels that simply go to a creek or harbor to set nets. With these changes, I would not have such a strong objection to the Bill.

HON. MR. HOWLAN—The Bill as it stands does not refer to net fishing.

HON. MR. POWER—Certainly not; that is not the intention or meaning of the Bill.

HON. MR. HOWLAN—So far as the Bill applies to deep-sea fishing, it is in the right direction. The bank fishing is a most important and valuable industry, and must continue, and be more so in the future. The people that my hon. friend from Lunenburg represents are entitled to the greatest respect for the ability and energy they have shown in prosecuting that industry. They have one of the largest fleets that sail under our flag. I think he voiced the opinion of those fishermen when he said that the Bill would do no harm, and that it might do good. There is no doubt that when a vessel sends out boats to fish there should be a compass, provisions and water in each boat, so that if they should go astray in the fog the crews will not suffer.

HON. MR. KAULBACH—They have already.

HON. MR. HOWLAN—I had occasion to buy a dory that was picked up some four years ago on the Banks, and brought to Charlottetown, and I bought the whole thing as it was. There was no compass in the boat, and I do not think it is usual to carry one.

HON. MR. MACFARLANE—Probably it was an American fisherman.

HON. MR. HOWLAN—If boats engaged in fishing from vessels that sail from Lunenburg harbor take the precautions that are provided for in this Bill it can do them no harm to say by Act of Parliament that they shall do so. I take it, the reason the Bill is introduced is to require the same thing to be done in all cases where vessels are engaged in deep-sea fishing. Where I take exception to the Bill is that it is unnecessary in the Straits of Northumberland, where a vessel is always in sight of the island and the main shore. It would only be a waste of time and money to supply the fishing boats in those waters in the manner required by this Bill. But it is quite another matter when a vessel goes six or seven hundred miles away to the banks and remains there fishing day after day. The Bill, as applied to such cases, is legislation in the right direction, and I

shall support it if the Island of Prince Edward is excepted from its operation.

HON. MR. POWER—I informed the hon. gentleman at the second reading of the Bill that I had no objection to adding a rider to meet his views. I should like to do anything in my power to meet the views of my hon. friend from Lunenburg, but I am afraid I could not by any possibility so amend the Bill as to satisfy him. I shall only try to indicate that there is no very great substance in his objections, and then leave the Bill to the committee. The hon. gentleman tells us that he had information from persons interested in the fishery in his own county last year to the effect that the Bill could do no harm. Then why does the hon. gentleman oppose a Bill which can do no harm? He tells us further that the fishermen of his county actually do the things that this Bill requires. It cannot therefore injure anybody in his county. His argument is very like that of a man who should say that because here, in the Senate, we do not commit murder, therefore the commandment which says "Thou shalt do no murder" should be done away with. It does not follow because vessel owners in Lunenburg do their duty that it should not be done everywhere else. This Bill is intended to compel fishermen in other parts of the Dominion to do what the fishermen of Lunenburg already do. I am informed by a gentleman who fits out a great many of these fishing vessels in Lunenburg county that he does supply a compass for each boat, and I hope his example will be followed all over the country. The hon. member from Lunenburg went so far as to say that this Bill was not only useless but injurious, involving unnecessary expense. Are the fishermen of Lunenburg in the habit of going to unnecessary expense in the fitting out of their vessels? I think they are too shrewd for that; and the hon. gentleman does not give the people of his county credit for their sagacity and intelligence when he makes a statement of that sort. Another of his objections to the Bill is that it would apply to a boat going out to set a net in a bay. Now, this Bill does not apply at all to nets. The hon. gentleman is a lawyer, and has been sufficiently engaged in construing statutes to know that the language of the clause clearly applies only to line fishing. This Bill is not intended and does not apply to net fishing at all. The hon. gentleman made one suggestion which I think was a sound one, and I propose to amend the clause in the direction he desires. He said that perhaps fishermen might prefer to take some other liquid with them instead of water, and to meet that objection I move that the words "drinking water" be stricken out and that the words "liquid suitable for drinking purposes" be substituted.

HON. MR. KAULBACH—I reget that I did not manage to make myself understood. I declare as a lawyer that the words of this clause do not make it apply exclusively to deep-sea fishing, but that it applies to any boat that is launched for the purpose of fishing. The words are as plain as anything could be. When I said that this legislation was useless I meant as far as the county of Lunenburg was concerned, and the hon. gentleman has not shown that the fishermen of other parts of Nova Scotia are less careful and intelligent than those with whom I am acquainted. This Bill applies to all kinds of fishing.

HON. MR. POWER—The language of the clause shows that it does not.

HON. MR. KAULBACH—Then why object to stating that it applies to deep-sea fishing?

HON. MR. POIRIER—I should like to support this Bill, and I will, to a certain extent, because I believe there is some merit in it, or at least in the intention of the hon. gentleman who promotes it; but I don't care to see our criminal statutes loaded with a Bill drafted as this one is. I should like to have it made clear that the Bill applies only to deep-sea fishing. As it stands now, it might apply to boats engaged in catching mackerel along the coast. If it is not intended to include such boats it is certainly open to that interpretation. There are two distinct clauses, and I say the words "other appliances" may mean nets. Certainly, there is no lawyer that would not take that point, and there are many judges and magistrates who would interpret the phrase as including nets. I would request the hon. gentleman to amend the Bill so as to make it clearly apply only to deep-sea fishing. As it stands now, it would lead to a good deal of petty per-

secution and trouble, and it certainly is not the intention of my hon. friend to produce any such result.

HON. MR. POWER—With respect to the necessity of this Bill, I presume that the hon. gentleman from Lunenburg, like other members of the Senate, is in the habit of reading the newspapers, and he must have seen that every year fishermen in dories have lost their vessels, and sometimes have reached land after suffering severe privations, and in some instances have not reached land at all, but have been found dead in their boats. The object of the Bill is to prevent the occurrence of these misfortunes—at all events, with respect to vessels owned in Canada. All our legislation with respect to sailors is more or less of a paternal character. Sailors are looked upon almost as children, and are protected by Parliament. Sailors resemble fishermen, in that they are unselfish people, and do not look out for their own interest, as they should. I am quite satisfied to leave the question of construction to the hon. leader of the House. If he says that any court would raise a question about the construction of this Bill I am perfectly satisfied that it should be amended in the way suggested. The Bill was submitted to the inspection of the Law Clerk and amended by him; and I am satisfied that it expresses just what I say, and is not open to the objection taken by the hon. members from Lunenburg and Acadie.

HON. MR. LACOSTE—I do not see what objection the hon. gentleman from Halifax could have to inserting the amendment proposed. There is room for a doubt, which I think it would be well to remove.

HON. MR. POWER—Then I have no objection to the amendment.

The clause was amended at the end of the 8th line by inserting the word "similar."

HON. MR. KAULBACH—Would not my hon. friend insert the words "deep-sea fishing?"

HON. MR. POWER—No; I move that in the 12th line drinking water be struck out, and that the words "liquids suitable for drinking purposes" be substituted. (Cries of No, no.) The fishermen might pree r to take tea or coffee with them.

HON. MR. PROWSE—I do not think we need put ambiguous words in a clause of this kind. It would be almost an intimation to the fishermen that they could take spirituous liquors with them. If they want to take oatmeal with them to mix with the water there is nothing in this clause to prevent them. In my experience there is nothing worse for fishermen than to take intoxicating liquors to be used as an ordinary beverage while fishing. In my opinion, the clause as it stands cannot be improved by inserting the proposed words.

The amendment was rejected.

HON. MR. KAULBACH moved to insert the words "bank or deep-sea fishing."

HON. MR. POWER—The amendment proposed by the hon. gentleman is unnecessary and mischievous. In the first place, it will be observed that the Bill only applies to the case of dories and other boats sent out from vessels which go fishing. When a schooner goes fishing with a number of dories she does not lie ashore; she goes some miles from the shore and fishes on the banks.

HON. MR. KAULBACH—Not always.

HON. MR. POWER—My view is, that whether a schooner goes out on the banks 150 miles away or fishes 30 miles from the shore, which might possibly not be called deep-sea fishing in some instances, she should come under this Bill. In every case where boats are sent from a schooner to fish there is a risk of a fog coming on and boats being lost, whether a schooner is fishing on the banks or somewhere else. There is no object in the amendment of the hon. gentleman, except to raise some question as to the meaning of the Bill.

If this measure does not apply to the county of Lunenberg, if fishermen of that county have been intelligent and wise enough to take the steps recommended by this Bill, why does the hon. gentleman seek now to hinder the people of other counties, who have not been as wise, from having the benefit of this Bill? Last year the Senate passed this Bill unanimously, the then leader of the House concurring in it, and in effect the whole House approving, with the exception of the hon. gentleman

and one other member; and I fail to see why we should now undertake to mutilate and destroy the measure, and render it practically useless.

HON. MR. KAULBACH—The hon. gentleman talks about the wisdom of our fishermen: I believe they are wise enough to know how to take care of their interests without being told how to do it. It is for the hon. gentleman to show where there is a less intelligent community of fishermen in the Province for whose benefit this Bill is necessary. Until he can do so, I do not see any necessity for the measure.

HON. MR. LACOSTE—I do not see any objection to the amendment.

HON. MR. POWER—I pointed out the objection. I have shown that it is necessary, in case of a fishing schooner which sends out small boats, whether engaged on the banks or deep-sea fishing. Whenever a vessel goes for such fishing these precautions ought to be taken.

HON. MR. POIRIER—If this Bill is to apply, as I thought at first it would, to smacks going along our shores for mackerel fishing, I will oppose it. I will support it if it applies only to deep-sea and bank fishing, and I will support the amendment which would make it applicable only to such cases.

HON. MR. SCOTT—As I read the Bill, it seems to be plain and easily understood. Small smacks and boats going out from the shore individually are not within the purview of this Bill. It only applies to dories attached to larger vessels going out. Larger vessels sometimes tow out small boats which they send out to fish, and it is to such boats that this Bill is intended to appply. Surely the argument is just as strong whether they are engaged in deep-sea fishing or shallow-water fishing. If they are enveloped in a fog, surely it is a wise precaution to furnish them with a compass, and provisions and water. The Bill applies to boats which are sent out from the shooners.

HON. MR. POIRIER—I apprehend that the hon. leader of the Opposition is not familiar with our fisheries. If he were, he would know that mackerel fishing is carried on in just such a way as he describes. The big vessel comes along the shores and sends out small boats, for the purpose of seining, for example. Now, those boats would be included in this Bill. Yet what I wish to make clear is, that they should not be included.

HON. MR. POWER—This Bill does not apply to seining or net fishing at all.

HON. MR. POIRIER—It might apply.

HON. MR. PROWSE—The general practice among fishermen during the fishing season is that they make their homes on board their vessels. They live on board day and night, whether they are in the harbor or out at sea, and they have their dories or boats attached to their vessels. When they want to set a net or catch bait they take their boats from the vessel, and therefore the objection of the hon. member for Acadie is well founded, that this Bill would apply to cases of seine fishing. The dories and boats are not on board the vessel, but in tow of the vessel, and the owner and crew live on board the vessel during the entire fishing season.

HON. MR. LACOSTE—When I read this Bill without the amendment suggested I thought it applied only to boats engaged in bank and deep-sea fishing.

HON. MR. POWER—That is what is intended.

HON. MR. LACOSTE—Then there can be no objection to making it clearer.

HON. MR. POWER—I am perfectly willing that the Bill should be confined to the purpose for which it is intended. It was not intended to apply to cases such as those mentioned by the hon. member from Shediac. There is just this difficulty: suppose a schooner is 30 miles off the shore fishing in soundings, the question is, whether she would be held to be engaged in deep-sea fishing. She is not fishing on what are generally known as banks.

HON. MR. KAULBACH—Yes; she is.

HON. MR. LACOSTE—I should think it was deep-sea fishing if it was 30 miles from the coast.

HON. MR. POWER—If it does not raise a doubt as to the meaning, I have no objection to the amendment.

The amendment was adopted.

On sub-section 2,—

HON. MR. KAULBACH suggested to include fog-horns.

The Bill was amended by inserting after the word "water," "and a fog-horn or trumpet."

HON. MR. VIDAL, from the committee, reported the Bill with amendments, which were concurred in.

AGRICULTURAL FERTILIZERS BILL.

The House resolved itself into a Committee of the Whole on Bill (B) "An Act respecting Agricultural Fertilizers."

(In the Committee.)

HON. MR. LACOSTE explained that the object of the Bill was to render the inspection more accurate, and to give the Government better control over the sale of fertilizers.

HON. MR. HAYTHORNE, from the committee, reported the Bill with an amendment, which was concurred in.

THE WELLAND CANAL INVESTIGATION.

ENQUIRY.

HON. MR. McCALLUM resumed his speech on his enquiry as to—

What action the Government intends to take on the evidence taken before A. F. Wood, Esquire, Commissioner, as to the conduct of the officials on the Welland Canal, in the management of that important public work.

He said: The day before yesterday, when I was addressing the House on this important matter, I had reached what is called charge 5, as divided by the commissioner appointed by the Government to examine into the management of the Welland Canal. I spoke of the pontoon, and I wish now to impress on your minds the fact that this pontoon was built under an agreement with the Government by a private individual, and that the employés of the Welland Canal who worked on that pontoon were paid by the Government at the canal office. This country paid for that work twice—to the contractor and to the men who worked on the pontoon. But I did not get at all the facts. Some of the witnesses that I wanted were away down the St. Lawrence at Cornwall. I would not like to say that they were smuggled away, although I accused people on the streets of St. Catharines of having done so. I had my own opinion, but I had no evidence to support it. There were men who had been at work on that pontoon who would have been glad to give their evidence. One man gave me his pass-book—I have it in my possession yet—showing how long he had worked there for outside parties, but when we wanted him he was away. I do not know who induced him to go; I cannot put my finger on any one. The commissioner, of course, told everybody, "You have nothing to fear; you can give evidence freely;" but, as I said to him, he was not there all the time to protect these people. This Mr. Mossop says that he got his pay while working on that pontoon as if he had been working for the Government. I will now proceed to what is called charge 6—allowing parties to be paid for work that was not performed. I said last year, when making my statement, from my place in the Senate, that it was alleged that parties were paid for work on the Welland Canal that was not performed. I had at that time letters in my hand showing that such was the case. One witness that I relied upon at that time has since died, and I was not able to call him; but I have a copy of a letter which was then in the hands of the Government and which is in my hands—a letter which was placed I presume in the possession of the commissioner during the investigation, and on which I was not permitted to take evidence. The following is the letter:—

"PORT DALHOUSIE, 10th April, 1888.

"MR. WILLIAM MOSSIP.

"Joseph Johnson came to me last summer wanting me to go and see Mr. Rykert with him respecting the discharging of his team by Miller. I being one of the committee went with him, as I could not see what the team was discharged for, only to make room for one of the most extreme Grit teams that there is in this place by the name of Wright. After a time the team was discharged and Johnson taken back. On the way to St. Catharines Mr. Johnson told me that his stepson was working on the spile-driver with one of his horses, and Miller had returned twenty dollars to the canal office more than was coming to him, saying to give it to him, the boy not knowing anything about

the transaction. They asked him in the office how long he had worked; he said three days, which was the time he had worked. Miller went to Johnson for the money; Johnson told him the boy collected the money and did not get it; he told Johnson to go and get the money, and tell them he had done the work, or it would get him into a scrape, which he did. Miller not being on hand when he got the money he handed it to Demare. All this I explained to Mr. Rykert at the time. The answer I got from Mr. Rykert was that he was no informer. Demare wanted to know from Johnson what he would do with the money. He said, give it to Miller. Those gentlemen have got their own clerk whom Miller fetched from the West. I think we have plenty good men in our own county to fill the position.

"Yours respectfully,
"HUMPHREY JULIAN."

It only shows that the question was brought before the gentleman that was defending the canal officials before this, and that he did not take any notice of it—that he was no informer. I will now read a letter from Mr. Julian, who is an honest, respectable man, that was published in the St. Catharines *Star* while the investigation was going on:

"To the Editor of the *Star*:

"I see by your paper that Mr. Rykert has a good deal to say respecting a conversation that took place between himself, Johnson and myself. He says no such conversation took place "in his office or on the street." I agree with him there; but a certain conversation did take place in his back yard respecting Miller, not Demare. Before Mr. Rykert accuses me of saying anything that is not true he should have waited to hear my evidence, which they did not take. Neither did I expect them to take it. I told Mr. McCallum so, before being called, that my evidence would not be taken. I am prepared to swear what did take place between us, also Mr. Rykert's reply, before any magistrate.

"Yours truly,
"HUMPHREY JULIAN.

"PORT DALHOUSIE, Oct. 5, 1889."

Charge 6 is a very serious one, and you will see by the time I get through that I have proved it beyond the slightest doubt. When I first made this charge I said that the amount might be small. That letter shows that it was only $20, but even that amount of money should not be paid without the public getting some value for it. But when I came to examine the pay-lists of the Welland Canal I found that $817.50 had been paid to a man who never did anything for it. Thomas O'Neil, whose evidence commences at page 1131, says that Wm. Assell never worked a day with him. My statement on this case will be confirmed by the evidence of R. D. Dunn, the paymaster, and James Laurence, the clerk. The one put his name on the list as working, and the other paid him. Mr. Dunn's evidence will be found on pages 1447 to 1455, inclusive. You will see by the pay-lists that Wm. Assell is put down as working under different foremen, although for over three years and a-half he was doing no work. He was put down during this time as working under Thomas O'Neil, James Edgar, Benjamin Johnson, Wm. Cook, Nathan Morey and Cornelius Reid. Why does he appear in the pay-lists as working under all these foremen? No doubt, to hide the transaction from the Government. Mr. Ellis was paying out the public money to this man, and he was the guilty party, but he made the paymaster and the clerk by his actions parties to the fraud. Jas. Laurence, the canal clerk, says, at page 1466 of the evidence, that Wm. Assell has been paid for three years and seven months' time (or half time), and that he, Laurence, knew that he was not working at all. Mr. Laurence swears that Mr. Ellis ordered him to put Assell's name on the pay-list. You can see therefore that this man Assell has been paid at the rate of $1.25 a day for 654 days' work that he never performed. Wm. Ellis, himself, was examined on this point. He was put on the witness stand by Mr. Rykert to try and swear himself through. He was called no less than seventeen times; and what does he say? At pages 2187 to 2193 he says that the only mistake that he made in this case was that he did not put Assell on the sick list. I pushed him further on the matter; I wanted to know who established this sick list rule on the canal, but he could not tell me. Just fancy, the manager of a great work like the Welland Canal putting a man's name on the sick list when there was no sick fund to pay him, and keeping him on the pay-lists for three years and seven months to deceive the Government. I know, as a matter of fact, having lived for many years on the Welland Canal, that there is no such thing as a sick fund recognized by the Government of this country. If there was, there should be a medical examination before a man could be appointed to office, or receive pay out of it. My opinion is that the Government of Canada has lost thousands of dollars through this putting men on the sick list. Lock-tenders and bridge-tenders have from time to time been put on what is called the "sick rule." That came out in the evidence. Some of them have been on the sick list for months—one of them, in 1887, I was told was

away for five months attending chicken shows and other pleasures while the Government of Canada was paying him his regular wages, and paying another man to do his work; but he had a friend at court that could get him through. I find that this pamphlet of Mr. Rykert's is being circulated extensively in order to prejudice the public in favor of Mr Ellis and to deceive the Government. That has been done on more than one occasion. See how nicely Mr. Rykert slides over the Assell case. In this pamphlet he says: "No doubt at all Mr. Ellis gave way to some of his friends to put this man Mr. Assell on half pay." I doubt if Parliament is aware that this man Assell was pensioned on the country. I did not know that we had a treasury board on the Welland Canal, composed of Mr. Ellis, Superintendent; Mr. Dunn, Paymaster; and Mr. Laurence, Clerk. Is the country ready to submit to that? If so, I am not. Even taking their own view of it, the transaction was something worse than a blunder. They say this Assell was an old man. So he was, and I don't doubt that he was a deserving man. He was an old soldier—a pensioner on the British Government. He used to be messenger in the canal office, but he got too old to work in Mr. Ellis' house and garden, and therefore another man had to be put in his place. Assell could not be discharged without raising a row, and Mr. Ellis had to provide for him in some way. They employed Thomas Hartley, and that was the object of pensioning Assell—they employed him because this man Assell was too old to do the work, so they pensioned him on the country at a cost of $817.50. I now come to the 7th charge—allowing the use of Government property without authority. I would refer you to Edward Smilie's evidence, page 669. He says he worked on the schooner "Defiance," and was paid for that work at the canal office as if working for the Government, and that he had Samuel Houston helping him. Mr. Demare kept his time always. Smilie, I may explain, was the diver. At page 672 he states that he worked on the schooner "James R. Benson" at Rondeau Point, which is situated on Lake Erie, 147 miles from Port Colborne. He was sent away from the canal with the diving armor, and that is what Mr. Ellis calls "popularizing the Welland Canal." Mr. Demare sent the diver with the diving armor 147 miles from Port Colborne, and you will see by the evidence of Samuel Houston, at page 895, that the Welland Canal was left without a diver from Tuesday till Saturday night. It is considered necessary to have a diver and diving armor constantly on the Welland Canal to protect the interests of the country and in case a stone gets into the canal it is necessary to remove it, to prevent damage to shipping, or in case something gets under the gates to prevent them from mitreing but here Mr. Ellis sends away the diver and divng apparatus 147 miles from the Welland Canal for days without fee or reward, and he calls that popularizing the canal. On this point I would refer you to Edward Smilie's evidence. The same witness says, at page 673, that he worked on the schooner "Oliver Mowat," owned by Folger Bros., Kingston. They charged for this work, and were paid by draft but they did not send the draft to Folger Bros., and when the vessel was returning down the canal they detained her from 8 o'clock in the evening until 6 next morning, in order to compel the master to pay the money, while in other cases no charge was made. The evidence I got upon this point was that the master of the "Oliver Mowat" was said to have been a little saucy to Mr. Demare, and he wanted to punish him.

HON. MR. POWER—Perhaps the master of the "Oliver Mowat" was a Liberal.

HON. MR. McCALLUM—I don't think that had anything to do with it. I must not say what I think about it, because I am here to state only facts, and not my own surmises. At page 669 Smilie says that he worked on the barge "Hall," and at page 671 that he worked on the schooner "F. T. Leighton," and that Houston and others helped him. At page 673 he says he worked on the propeller "Haskell," and got his pay from Mr. Demare. He got $10 for that work, and says he got discharged for asking for it. At page 674 he says he worked on the schooner "Leadville," having the diving armor. He does not know whether the Government was paid for the armor or not. At page 676 he states that he worked on the barge "Manitowoc," and that he was paid by Mr. Demare $6; that Houston

was paid $4, and that the bill was $18 for the use of the armor. There is no return of the $8, and Mr. Demare must have paid that money to himself, because there is nothing said about it. This man Smilie must have given truthful evidence, because the counsel for the canal officials did not ask him one single question in the cross-examination. Why? Because he was afraid to ask him. He said he would call him some other day. I did not quite get through with Mr. Smilie, but Mr. Rykert thought he was not a good witness for his side, so he was not recalled. At page 667 Smilie says that he was receiving pay from the Government and from outside parties at the same time—at least, when he was working for outside parties and receiving pay from them he was getting pay from the Government also. At page 677 he says he worked on the schooner "J. P. Beals," and that Mr. Demare paid him. Mr. Demare, he says, ordered him to do this work and was always his boss or foreman. He says, on page 678, that he worked on the barge "Tecumseh." Mr. Demare, at page 2221, says he collected no money from the schooners "J. P. Beals," "Haskell," "Leadville," "Norwood," "Tecumseh," "F. J. King" or "James R. Benson." In none of these cases did the country get any money for the use of the diving armor, and Mr. Demare swears that he collected nothing. Can you credit the evidence of Mr. Demare after what he swore about the farming land? Can you believe his evidence and refuse to credit other witnesses who swore to the contrary? This man Demare was, I think, twelve or fifteen times on the witness stand, and I refer to the fact in order that you may judge of his credibility. If you find one man contradicted by three others who are his own friends you would be inclined to believe the majority of the witnesses. As far as the Superintendent of the canal is concerned, he was discredited by documentary evidence that he cannot get over, as well as by his own testimony. In the case of the farming lands, Mr. Demare denied that he got any share of the crops grown on the canal lands, but he is contradicted by McGrath, Moriarty and Brownlee, who swore that they gave him a share of the crop. In this House last year, in speaking of this Demare, I ventured the assertion that he was getting pickings. Well, it appears from the evidence that my charge was well founded. If I had been a prophet I could not have come nearer it.

HON. MR. MCINNES (B.C.)—What do you mean by pickings?

HON. MR. MCCALLUM—Anything that you can catch—anything that you can get, honestly if possibly, or get anyhow. I now come to the evidence of William Mossop, a man that I shall have occasion to say a good deal about before I get through, and who is dealt with in a very harsh manner in the pamphlet circulated by Mr. Rykert. A determined effort has been made to destroy his character—and why? Because I wrote a letter to Mr. Ellis asking him to give Mossop continuous employment, and now they blame Mossop for having brought about this canal investigation. They say I have a spite against them because they refused to give Mossop employment. Mossop is no more to me than any other poor man who is trying to earn a living for his family. I hope I shall always be ready to assist any poor man to get employment; when I wrote that letter that was the only object I had in view. My only feeling in this matter is that the country should have full value for the money that it expends on the Welland Canal and that the canal should be managed properly. At page 965 William Mossop says that the steam pump was at the rubber factory four or five days. He took the scow "Sir John" to Thorold for a load of stone for the rubber factory. The stone went through the canal as Government stone and there was no let pass. He says Mr. Demare ordered him to do this, and that Mr. Ridgeway paid him for his work on the scow "Sir John." He says also that he worked on the pontoon, to which I have already referred, for Mr. Miller four or five days and got his pay as if he had been working for the Government. Mossip further swears, at page 975, that he brought the scow "Mud Hen" from Battle's quarry, with a load of stone for Richard Hutton, lock tender; that the scow was occupied for about three days on this job and that he got orders from Demare to do so. I did not offer any evidence on this point as to who paid for the stone and cement. I think it was the duty of the men who defended the canal officials to show that the Government did

not furnish the stone and cement for the use of private individuals. The presumption is strong that the public furnished the stone and cement that went into the bottom of the rubber factory, and it is no small amount. Mr. Rykert in defending Mr. Ellis was either trying to mislead the commissioner or arguing dishonestly when he said that no cement went into the foundation of the rubber factory. What does the evidence prove? It shows that two lock tenders were farmed out by Mr. Demare to do that work and one of them swears that there was cement used in the bottom of the rubber factory. Mr. Demare says that there are no returns of the money paid for the use of the scow "Sir John" to bring stone from Thorold to the rubber factory. The scow paid no toll going through the canal, and so it was their duty to prove that the stone was not public property. Richard Hutton, at page 1032, states that he got the Government scow free of charge to take stone from Battle's quarry to Port Dalhousie, and had her for about three days. That the stone passed through the canal as Government property and there was no let pass. He says he got the scow from Demare. Whether we furnished the stone in that case or not we found the scow to freight it. George W. Reid, at page 1839, says he got screws and tackle and blocks to use at the rubber factory—that they were furnished by Mr. Demare and he paid nothing for the use of them. Remember these are hydraulic jacks which cost $100 or $200 apiece and are very easily injured. He also swears that they had the Government steam pump because they found a leak. It was the easiest thing in the world to find a leak on that canal wherever they wanted to cover up a job. They found a leak in the bottom of the rubber factory, they say, and that was the excuse they offered for working the pump there for four or five days. Before I close, I can show you that they found a leak somewhere else, in order to cover up another dirty transaction. You will find, before I get through, that the bottom of that rubber factory was a sink hole for the money of this country. The scow, "Sir John" carried forty cords of stone and twenty barrels of cement that went into that hole in the rubber factory, and I don't know how much more besides. We will come now to the eighth charge: moneys received and not returned at the proper time, and some moneys retained and not credited. This is money collected for the use of diving armor and steam pumps, and moneys collected as fines from vessels going through the canal. I must refer to these printed pay-lists in the Sessional Papers, pages 42 to 82. The following are the amounts collected:—

RECEIPTS for Hire or Use of Steam Wrecking Pump from the Parties mentioned below.

18th August, 1884, Graham, Horne & Co.—		
2 days, steam wrecking pump, at $45	$90 00	
Plank and lard oil	4 25	
		$94 25
1st October, 1884, Sylvester Neelon—		
2½ days, steam wrecking pump, at $45	$112 50	
2½ days, wrecker, at $3	7 50	
2½ days, engineer, at $1.75	4 38	
		124 38
Total		$218 63

They kept that money one year and ten months, before they paid it into the Government. Here is the book to prove it. No further evidence is necessary; whether that money was taken to pay Mr. Ellis' debts, like the money borrowed from the canal employés, I cannot say, but he had the use of the money. R. D. Dunn, at page 1456, says that Mr. Ellis had the use of all such money. The money was not returned at the proper time, as is shown by comparison with Mr. Collier's books. I examined them on the first day of the investigation. That was the time when the canal officials and their counsel made their boast that they would run me—the "old woman" as they called me—out of St. Catharines in less than two days, but the "old woman" did not go. I knew what I was about, and I commenced slowly and exercised all the faculties that I had. I worked very hard and you will see by the time I get through, that I worked against great odds: I was handicapped from the start. Charles Smilie, ship carpenter, says, at page 1022, that he paid $38 for the use of the pontoon to take the engine out of a propeller, the money being stopped by Mr. Murray, by order of the canal office. This money was not accounted for; where has it gone? I never could find an account of it in the public accounts. It never was paid. I may surmise where it went, but I cannot tell.

It being near six o'clock, Mr. McCallum asked that the question be adjourned until

to-morrow, and that the inquiry be the first Order of the day.

Agreed to.

The Senate adjourned at 6.05 p.m.

THE SENATE.

Ottawa, Thursday, February 13th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE MANAGEMENT OF THE WELLAND CANAL.

INQUIRY.

HON. MR. MCCALLUM resumed his speech on his notice—

That he will inquire what action the Government intends to take on the evidence taken before A. F. Wood, Esq., Commissioner, as to the conduct of the officials on the Welland Canal, in the management of that important public work.

He said: When the House adjourned yesterday I had just finished my remarks on what the commissioner calls Charge 8, regarding canal management. Now, I proceed with the 9th charge against J. E. Demare, Assistant Superintendent, causing trouble, and the question of the management of moneys. This Mr. Demare's name has been before the House several times. He is called Deputy Superintendent of the Welland Canal. He was formerly foreman, but since Mr. Ellis has taken charge he calls him the Deputy Superintendent, and we have several of them on the canal. I would call your attention to the evidence of James Bradley, page 206. He was discharged because he would not make a false report against a brother lock-tender, George Milward, at Mr. Demare's request. Demare wanted to put Milward off the canal and get rid of him, and Bradley reported to Milward what Demare wanted him to do. This is a serious matter. I said last Session, when addressing the House, that I considered that Demare was giving more trouble than any other man on the canal. Here he wants to make this lock-keeper, Bradley, report against another employé. There is also another lock-keeper who was discharged in very much the same way. (*See* Charles Collier's evidence, page 235.) He says he got discharged from his lock for refusing to go into a dirty place to work, off his division, when working on repairs. That he was ordered to do so by Messrs. Demare and Miller. Collier paid to the superrannuation list for fourteen years and has received no redress to this day. Mr. Ellis told him that he was discharged because he would not obey Mr. Demare's and Mr. Miller's orders. But this man Miller was working on construction, as they call it, under Mr. Page, and it is a question why this man, who was a permanent officer, was discharged for refusing to obey the orders of Mr. Miller, a man who had nothing to do with the matter at all. This is a case in which I consider a gross injustice has been done. I believe Collier to be an honest man, who ought to be reinstated. John Sutton says (page 776) that Mr. Demare called into his office one morning and asked him to sign a receipt. Then Demare changed his mind and wanted to see Mr. Ellis first. Now, what was this receipt? It purports to have been taken from one Johnston for work done on the steamer "Haskell." In my speech of last year you will find reference to this. Mr. Demare puts in this receipt, in answer to a letter of mine to the Department, when called upon to do it. It is supposed to be signed by this man Johnston, but the man is dead, and was dead at the time of the transaction; and Demare calls this man Sutton into his office before the investigation takes place and wants him to sign this receipt to show that he had paid Johnston. The papers as handed in by me last year are correct, except that there is a mistake in copying, changing $3 to $13. (*See* letter from Mr. Ellis—a copy to be found in the Senate *Debates* of last year—to A. P. Bradley, Esq., Secretary Department of Railways and Canals, dated 6th April, 1889, and receipts attached thereto). You will find some explanation of how this money was retained and not paid into the Government in the *Debates* of last year, and also moneys collected from the schooner "F. C. Leighton," $64.75. Demare paid himself $10 which he should have paid to the Government. Section 31 of the canal regulations provides that no officer employed on the public works of this country shall receive anything from the annual expenditure excepting his salary as a just compensation. These are the regulations which govern the canal, and under

them people who are going through the canalare being fined. This a part of the evidence. This man Demare pays money to himself that should have been paid to the credit of the Government; also moneys collected from the barge "Hall." Demare says that he sent $10 in a letter to R. D. Dunn, but that letter was never received. Why should he send this letter to the paymaster at all? He was not the proper officer to receive the money. The collector of canal tolls was the proper officer to send it to, and the paymaster was not instructed to receive any moneys. If Demare desired to act honestly in the matter, all he had to do was to step across the street to the office of the collector of canal tolls; but he prefers to send the money by letter to the paymaster, and the letter is never received. (*See* Mr. Dunn's evidence about this $10, pages 21 and 22 of the evidence). Mr. Dunn swears that Demare was at the canal office every day, but said nothing until the matter was brought up in Parliament. If I had not referred to it, this and many other things would still be going on. I am not saying that they are going on now, but these men are still in power on the canal, and there is no guarantee that they will not begin again. They boast that they are stronger than ever, that they will be more popular than ever: but are the Government going to keep them in power? I say they should not. The Government of this country ought to clean out these men who are mismanaging the canal. They should weed them out, and put honest men in their place, and we will have proper management on the canal. The revenue would then cover the expenditure. The Welland Canal can be managed to-day for $12,000 less than is the case, and better managed, saying nothing of the pickings (I will not say stealings), and the money wasted besides, which no doubt would be equal to another $12,000. There is no doubt at all in my mind that this saving could be made. I do not want to cut down the salaries of officers. I want every man to be well paid; I want every man to do a good day's work and to receive for it a good day's pay; to attend to his business properly, and not come to work at ten o'clock. What do we see? There are three or four deputy superintendents who come with their horses to report to their chief. You would think you were at a fair. We are paying Mr. Ellis $300 a year for his expenses for horse hire, but he does not go to the men: the men come to him and report to him, and each one gets $150 a year for horse hire, merely for reporting to Mr. Ellis every day. This is the way that business is conducted on the Welland Canal, and the sooner it is stopped the better. Mr. Demare says that he collected from the barge, "Manitowoc" $12 or $15. The evidence shows that he collected $18; that he paid in $10, and consequently he must have kept the other $8. These are some of the pickings I spoke about the other day. Take Mr. Smilie's evidence, page 176: this shows that Mr. Demare collected $18 and paid in $10 only. Smilie is a truthful witness. He must be so, because the gentleman defending the canal officials did not ask him a single question. He did not think it advisable to do so in their interests. He sent him away because he thought he knew too much. For this reason, I consider that anything Smilie says may be depended upon.

Bradley, of whom I spoke a little while ago, was discharged for refusing to make a false report against a brother lock-keeper. Mr. Demare's reason for discharging him does not appear to be anything else than that he would not make the false report required of him; he would not carry out Demare's request, and of course he must go. If this man Bradley did not give correct evidence why did they not impugn it, and bring evidence to show that he was not telling the truth? They tried to do so, but they found out that any evidence which they could bring would only confirm what Bradley said. His evidence to-day stands unimpeached, except by the statements of Demare himself,—and how much are they worth? Three of his friends swear one thing and he swears another? Can you believe his word, when it conflicts with that of a man whose evidence is unimpeached? Demare was in the witness stand ten or twelve times; his evidence is discredited; I do not believe him; I have given my reasons.

Well, so much for that charge. Now for the 10th charge: "That improper influences are brought to bear upon men, who suffer by giving information." I consider this a somewhat foolish charge. I think that hon. gentlemen can appreciate my feelings when I say that I would not put in the witness box any poor man who had

to work for bread for his family, and incur the risk of being discharged. I did not do so; therefore, I do not offer any evidence on this point. I believe that hon. gentlemen will credit me when I say that men came to me and begged of me not to summon them, because they were afraid of being dismissed. In fact, in one or two instances they told me that they were threatened with dismissal if they had too much to do with me. I was a leper, who was going to destroy any one who came into contact with me. Men came to me who where employed by manufacturers on the canal, who were getting favors from the Superintendent, and begged of me not to call them as witnesses. What favors were these manufacturers getting? No doubt, they would be given a share of the pickings. This is all I will say on this charge. The 11th charge is: "In reply to Order of the House, did not give correct replies; says he could not." This is in reference to the arbitrary treatment meted out to owners of vessels. Last year, Mr. Ellis said, in regard to this matter, when I wrote a letter to the Department asking for information as to the number of vessels assisted with the diving apparatus and pumps, that he could not give a correct account of what he did do, as they did not keep the time. Therefore, he did not comply with the Order of the Senate. Of course, he could not, if it is true that he did not keep a record of the time. This is in reference to giving assistance to vessels; giving the diving apparatus and steam pumps to vessels, in competition with citizens of this country, who had provided themselves with means to render such assistance to vessels. Even since this investigation has closed they made use, at Port Dalhousie, on the Welland Canal, of the Government pump and diver. I do not know whether this service is to be paid for or not; I suppose it will be paid for now, because the thing is exposed. But before this, and while there was private plant which could have been secured to do the work, men went to the Superintendent, because they said: We can get the canal plant much cheaper, and if nobody is around we can get it for nothing." This, I think, it will be admitted, is not a very desirable state of things. When men invest their money, from $20,000 to $40,000, in plant, for the purpose of doing such work, it is not desirable that the Government should be allowed to go into competition with them. But I believe the Superintendent of the Canal has got a rap over the knuckles for this; I believe he has instructions from the Department that he must not do it again. At the time of the investigation he swears: "I am of the opinion that I should give the use of the diving armor free of charge, if I choose to do so." Of course, the Superintendent is the man that is responsible to the people of this country for the proper administration of the canal, as he tells me in his letter of last year, and adds: "I must be a terror to evil doers. I have made a cast iron rule that once a man is discharged he can never get back again." He has disregarded this rule dozens of times. If a man disagrees with his chief, and is discharged, the power behind the throne can put him back, as I will show you. Mr. Ellis says that he should give the use of the apparatus to anyone he may think proper, if not instructed to the contrary; and he says also, at page 2322: "I allow Mr. Demare to send it to whom he likes." Mr. Demare does just as he likes; Mr. Ellis lets him. But here is the funny part of it: Mr. Ellis (page 2323) says: "When we make a charge we keep the time." That is to say, if Mr. Demare makes a charge he keeps the time. How are we to depend upon Mr. Demare or find out how much work was done? I found out a good deal last year by writing all over Canada and part of the United States. I wrote a good many letters last year, because I was bound to probe this question. I was satisfied that the Government was not being fairly dealt with in this matter, but of course Mr. Demare is the sole judge of whether a man is to have this apparatus free, or whether he will make a charge. If he lets a man have it free on condition of keeping the matter quiet there is no return made to the Government. There is no check on Demare at all; he is the sole judge of how this property is to be used. It is really amusing. What did they want a pump at all for. I tried to prove to the Department of Railways and Canals, when they were getting that pump, that it was unnecessary. They have had it five or six years now, with a man taking care of it, and as far as I know to-day, they have only used it once or twice on Government work, and then they had to send for a private individual with

his pump to help them. That is all the work they have done for the Government. I do not know what has been done for outside parties; and it is a question in my mind whether the Government has ever got a proper amount for this outside work. But why should the Government have a pump at all to lend to anyone at the pleasure of Mr. Demare? To one person he may say: "You cannot have it till you pay for it;" and perhaps not then, either, if he does not choose to do so, while others can get it for nothing. I would ask, is it in the interest of the country that we should have these things continue? It may be thought that I am putting it strongly—but I call your attention in every instance to the page in the evidence. It is an easy matter for anybody to correct me if I am wrong. I should be very sorry to misrepresent anything, and I will not misrepresent anything here or elsewhere. So far as this charge is concerned, I think it is proved beyond a doubt, as are most of the charges that I have made in this House.

Now, it will be my duty to tell you the circumstances disclosed by the evidence of Capt. John Ross. (*See* page 332 of the evidence). He went to see Mr. Ellis, and was ordered out of the office by him. He says: "I went to see him in the fall and in the spring, and the last time he ordered me out of the office, and told me if I repeated the offence he would stop me from going through the canal?" Of course Ellis was king. He said he was judge and jury. This is what the men swear to as to stopping vessels: Capt. Ross says that he stopped at the acqueduct four or five hours and when he went through the water was lower than when he came there first.

Now, about this aqueduct. When the Government of this country decided to deepen the Welland Canal to 14 feet we had an aqueduct across the Welland River which was only 12 feet deep. It was therefore necessary to build a new one; but first they cleaned out the bottom of the old one, and used it for some time, until the new one was completed, and after that we had 14 feet draft. While it was necessary, it was undesirable that vessels should stop in the aqueduct. Of course, during the investigation the gentleman defending the canal officials wanted to make out it was a terrible thing if a vessel stopped in the aqueduct, but Mr. Page settles that question. He says there is no danger to the aqueduct, though it might be bad for the vessel. There has been a great deal of delay at this place on the canal, and it has had the effect of driving business away from the canal and the St. Lawrence route and of sending it through the United States. Take the case of Capt. James Saurien (page 392). See how kind Mr. Ellis was to him. He says: "I have known vessels to be detained at the aqueduct for two days, and then to go through with less water than there was when they first came there." This is the kind of treatment that the people trading through the canal receive—vessels and their crew detained for two days at the aqueduct,—and why? You will see in the pamphlet which is sent here to prejudice the case. Mr. Rykert, Q.C., M.P., puts the question to the commissioner. "Are you satisfied with Morrison's evidence?" "Yes," says the commissioner, "if he erred at all he erred on the right side." Now, what is the right side? Is it right, when there is plenty of water for vessels to get through to keep them for forty-eight hours? Is that erring on the right side? That is the way the Mr. Ellis was popularizing the canal. This man swears that his tug was fined because he dared to speak to the man in charge,—because he dared to express an unfavorable opinion of Mr. Ellis' management. He says he came there from Port Colborne, which is eight miles from the aqueduct, to see why his tug was detained. His tug had just gone, and he spoke to the man at the aqueduct, and for daring to find fault with the management of the canal his tug is fined $20. That is the way Mr. Ellis administers the canal. If this man had said anything disagreeable or used bad language to Mr. Morrison the law of the country would have protected Morrison. Why should Mr. Ellis follow, and seize his boat, insead of taking his person for the offence? But Mr. Ellis calls himself the judge and jury. This man says that Mr. Ellis treated him very severely, and told him if he repeated the offence he would not allow his tug to go through the canal at all. The language that Capt. Saurien used was: "What could Mr. Ellis know of the management of this aqueduct, sitting in his office at St. Catharines?" And for this Mr. Ellis fines the tug $20. He knew that he could get nothing by prosecuting the man himself, but he follows his property and fines it: and Capt. Saurien has not got redress to

this day. When he went to see Mr. Ellis about it the excuse given was that he had returned the money to the Government. I say the Government does not want to punish any man in that way, and the Government officer that will act as Mr. Ellis did should be punished, and not only punished, but dismissed from the public service. Take the evidence of Robert Simpson, page 1269. He has known vessels to be detained at the aqueduct when there was plenty of water to let them through. At page 1271 he says that he was present when Capt. Saurien and Morrison had some words about detaining the vessels. Mr. Morrison would not allow some vessels through unless there was at least 6 inches more water in the aqueduct than the vessel was drawing. On this point, let us look at Mr. Page's evidence, and it will be seen that if the officer in charge had shown any judgment he could have allowed the vessels to proceed slowly until they grounded. As the space is narrow, there would be no difficulty then by backing the wheel in, raising the water and floating the vessel. But the orders were that there must be a certain depth of water in excess of the draft of the vessel; and vessels must be kept for forty-eight hours, if necessary, though it would appear that after keeping them for this length of time they were allowed to go through with less water than was in the aqueduct when they arrived there. This is what is driving business away from the canal, though the commissioner says that it is erring on the right side. I have nothing to say against Mr. Morrison; I believe his evidence is all right, but the instructions he received were not all right. Take the evidence of Charles Carter, who was harbor master at Port Colborne: he says that the management of the aqueduct was destroying the trade on the canal. Mr. Carter is a good authority, or ought to be, seeing that he is a Government official, and was formerly a vessel owner, and has been a sailor all his life. A son of this Mr. Carter, Mr. Sperry Carter, who was also a sailor, gives it as his opinion that at the time these vessels were at the aqueduct for two days there was plenty of water to allow them to go through: but the orders were specific, and of course Mr. Morrison had to carry them out. I gather from the commissioner's remarks during the investigation that he was satisfied with Mr. Morrison's evidence. He (the commissioner) said that if Morrison erred at all it was on the safe side. Was it on the safe side to drive the business of the country from the canal?

Charge 13 — Ellis and Demare are charged with having friends and pets, and Demare with being a pet of Ellis'—that in order to get work, fitness is not required, but it is essential that he should belong to the clique—that is to say, should be friendly with Ellis and Demare, or belong to the Port Dalhousie band. I suppose that is the meaning of it. I said something about this the other day. There are a good many musicians employed on the Welland Canal. They have a band hall at Port Dalhousie, and a great many employés belong to the band. Mr. Demare is the president, and of course he sees that the band boys have the plums, if there are any going. If they want to get away to play anywhere he allows them to go, and puts men in their places, and if there is any extra work going the band boys get it. They have an original character there called Daly, a drummer. You will see by the evidence that Mr. Demare is very favorable to drummers. On page 816 Daniel Sylvain's evidence as to drummer Daly is that he was drunk. (*See* also page 1015, where we find that drummer Daly was drunk at Waite's house and unfit for work). Page 1016: "Saw Daly drunk at Lock 5 and unable to do his work." Albert Johnston was expelled from Government employ for being drunk, but the cast iron rule did not apply in his case, for he was leader in the band, next to the bandmaster, and he was restored to employment. John House, lock-keeper (see page 1644) was favored as being a member of the band, and Mr. Demare's body servant. This man was also a drummer, and gets $43 a month as lockmaster. By the pay-list for July, 1885, we see that he was paid for 15 days' extra time; in August was paid for six days extra; in September, 7½ days extra; in July, 1888, was paid for extra work, $22.75; in August, 1888, for extra work, $16.63 (page 946); in September, 1886, was paid extra $17.36. Now, these drummers, Daly and House, seem to have been great favorites with the president of the band at Port Dalhousie. Cornelius Reid, the foreman, says at page 1257, that he found fault with Daly to Mr. Demare on account of his drinking; that he was twice so drunk that he could not

work: but he did not discharge Daly, because Demare said that the band boys wanted him to keep him on. He said he wanted Daly because the band boys wanted him. He says: "I went down on the scow, and this man dared me to discharge him. I did not discharge him, on account of what Mr. Demare had said to me." When Demare is called, he says (page 1618), that he had not the slightest recollection of saying "the band boys," but he spoke of the "boys;" but nobody should place much reliance on anything that Mr. Demare would say, who knows how his evidence as to farming lands on shares was contradicted.

To show that Mr. Demare is a pet of Ellis', Mr. Ellis recommended that the Government should pay him, Demare, $100 extra, and he returned it in pay-lists, March, 1887. (*See* p. 132, Sessional Papers, 43 to 82, last Session). Mr. Ellis wishes to pay his pet on repairs, although working under Mr. Page on construction, and getting a salary of $1,200 per year. The Government refused to pay him that. (*See* letter from Department, 14th April, 1887, requesting Mr. Ellis to report the facts, and instructing Mr. R. D. Dunn not to pay the $100). He receives $1,200, $150 horse hire, rent free, and land farmed on shares for his benefit.

This $300 increase he got in March, 1886; I see it in the pay-lists. There is no authority for paying him this money. I am of opinion that he is receiving it illegally to this day. If there is an Order in Council authorizing the payment I should like to see it; and if the Government have got it let them produce it. Here is this man on the Welland Canal who raises a subordinate's salary by $300 a year, while the Prime Minister of this country cannot increase the salary of one of his clerks $50 a year without going to Parliament for authority to do so. But Mr. Ellis says that he and he alone is responsible to the people of Canada for the management of the Welland Canal. He is like Alexander Selkirk: he is monarch of all he surveys; his right there is none to dispute, and all along the Welland Canal he thinks he can do just as he pleases. I will pass charge 14 and come now to the 15th charge. This is a very serious matter. The facts that I am about to dwell upon have been proved by the report of the Chief Engineer, Mr. Page, which was submitted to this House last Session and can be found in the Senate *Debates* of last year. I refer particularly to the fact that the Welland Canal sustained damage to the extent of $25,000 a year ago last January from a storm. Mr. Ellis had plenty of men and means at his disposal to prevent that loss. The Government had *primâ facie* evidence of this man's incapacity and negligence. Why did they not suspend him during the investigation? I asked the Government to do so, but they thought it would be unjust to Mr. Ellis and contrary to British fair play to suspend a man with such a grave charge hanging over him. But I had made my statement publicly in Parliament, and I was responsible for it. They might have known that I would not have taken such a step without having abundant evidence to sustain me. The Government said, in their kindness of heart: "We will not suspend these men, we will give them a fair trial." Well, they have had more than a fair trial, and by the time I get through you will agree with me that sufficient evidence has been elicted to justify the Government in dismissing them from their positions on the Welland Canal. It is unnecessary to refer to the evidence on the 15th charge, you have all seen or can see the report of the Chief Engineer in the Senate *Debates* of last Session. I would refer you to Mr. Page's evidence on pages 1400 to 1427. The country has lost $25,000 through the negligence of Mr. Ellis, who, according to Mr. Page's statement, had plenty of men and means at his disposal to prevent it.

I come now to the last charge in this list. It refers to William Mossop. This is the gentleman who is represented as being a very bad man. He has been guilty of the greatest sin he could commit in their estimation: they accuse him of giving me the information that led to the investigation. Now let us see what the men who worked with Mossop have to say as to his character. Of course Mr. Rykert brought any number of witnesses to swear away Mossop's character. They thought if they could only blacken his reputation that it would save themselves. They were under the impression that I was prosecuting the case on behalf of this man Mossop; but Mr. Mossop is nothing to me more than any

other poor man. I have known him, it is true, since he was a child, and I know him to be an honest, industrious man. I do not deny that Mr. Ellis had a right to discharge him if he committed any offence: all that I did was to write to Mr. Ellis requesting him, as Mossop had a large family, to provide for him continuous employment on the canal during the winter. I read to the House last Session the correspondence that passed between Mr. Ellis and myself. As I said then, I say now, that when a public servant in this country has the cheek to write such a letter as Mr. Ellis wrote to me, and say that he alone was responsible for the management of a great public work like the Welland Canal, I consider it my duty to see how far he is deserving of a position in which he assumes such a large responsibility. This is what led me to look into his management. When he tells me that he makes it a cast-iron rule not to reinstate a man who has been dismissed, and that he must be a terror to evil-doers, I like to see whether he has been consistent in the course he has pursued. It is amusing to think of William Ellis, the Superintendent of the Welland Canal, being a terror to anybody in any shape. I thought if I could get half a dozen witnesses to prove Mr. Mossop's character it would be enough, and I ask you to examine the evidence on this point and judge for yourselves what manner of man Mr. Mossop is. I ask you also to look at the evidence given against him. They say that because he would not work for a man because he wanted a quarter of a dollar a day more than they were willing to give him he is a bad man. Was it such a sin for a man to try to make the best bargain he could to try to support his family? In the letter which appears in last year's *Debates*, Mr. Ellis tells me that Mossop was a quarrelsome man, that he had fights with him. It is a terrible thing to have a box-to strike back when one is struck; why, even a worm will turn when it is trampled upon! His boss struck him, and Mossop struck back, and he would have been less than a man if he had failed to do so. He would have been a slouch to submit to such treatment.

HON. Mr. KAULBACH — He should turn the other cheek.

HON. Mr. McCALLUM — Mossop did not do that. I suppose if he had turned the other cheek and held his tongue, he would have been employed on the Welland Canal to-day; but he is an Irishman, or rather of Irish descent, and he was not the man to submit to that. I have known him from childhood, and I knew his father before him, and I know that he comes of good stock. Now let us see what the evidence is. Walter Chatfield, the gentleman of leisure of whom I spoke the other day, says that Mossop was civil in every respect while working with him. Cornelius Reid says that he has known Mossop for 8 years, that he is not quarrelsome; that his reputation is good; that he is sober, civil and industrious. George Nicholson says that he worked with Mossop who was his boss, and that he was an agreeable man to work under. The principal grievance against Mossop was that he wanted the men to work too long hours. Of course, the men did not like that, but no doubt he had his instructions from the Deputy Superintendent and had to do as he was told. That was the only fault that Nicholson had to find with him. Edward Smilie said that he had known Mossop since he was a boy, and had always found him to be civil, industrious and agreeable, and not quarrelsome. Humphrey Julian's evidence will be found on page 763. I want to repeat that this man Julian is as honest and respectable a man as stands in Canada to-day. He had known Mossop from boyhood, and he says that Mossop was an industrious and steady man, and that he is raising a respectable family. That is the character he gives him. William M. Jones said that he has known Mossop since he was going to school, and has worked with him a good deal; has always found him to be quiet and not quarrelsome. He was a witness of the fight at Port Dalhousie, and says that Marshall struck Mossop first and that Mossop struck back. That is the fight that Mr. Ellis talks about. This man Jones is employed on the canal, and when he was brought to give evidence had the courage to tell the truth, whether it resulted in his being dismissed or not. Jonathan Woodall stated that he had known Mossop ever since he was a child, and never knew him to be quarrelsome; that he is industrious, sober and hard-working. William Tinline had worked

with him, and had always found him an agreable man to work with, and never heard him give a man an uncivil word in his life. The only disagreeable thing he had ever known about Mossop was that he wanted to get the men to work at 7 in the morning while working for Miller. Joseph Culp stated that he had known Mossop, and never knew him to be quarrelsome; that he was always a quiet, good natured man. Thomas Ryan, who worked with Mossop at different times for about twelve years, said he had always found him to be an agreable man to work with for the time that he was under his charge. Cornelius Reid said he had always found Mossop to be a good, peaceable, kind man, and had never heard any complaints against him. That is the character that Mossop gets from those who have worked with him and under him, and known him from boyhood. But whatever Mossop's character may have been, whatever he may have said or done, does not palliate or justify the conduct of the officials as exposed in the investigation. Mossop is to-day in a foreign country, endeavoring to earn bread for his family, who are still in Canada, living at section No. 1 on the Welland Canal. There are plenty of men working on the canal, such as the drummers I have spoken of, who are kept there simply because they are pets of Demare's—men who are working extra time and getting $20 or $30 a month in addition to their regular wages It seems that the principal qualification that is required for a man to obtain work on the canal is to belong to the clique at Port Dalhousie, and to the band particularly; and I think by the time I get through you will find that this band and the band hall at Port Dalhousie are quite an institution. I could mention some of the entertainments they give there; I could mention something also about instruments that came into this country free of duty. I could refer to clogs which are admitted duty free, and which, I presume, are used for clog dances at the Port Dalhousie band entertainments. I have now concluded the list of charges as divided by the commissioner, and I propose to take up the question of maladministration of the canal It is very important and desirable that a public official, occupying such a responsible position as that of Superintendent of the Welland Canal, should be civil and obliging to every one that approaches him on business, and the Government and the people of this country expect that to be part of his qualifications. Whatever else he may lack, he should at least possess that. I shall now give you the evidence of witnesses as to Mr. Ellis' manner of treating people who had business to do at his office. At page 313 Nelson Current says: "I was treated rudely and shabbily by Mr. Ellis when I went to see him on business." At page 320 Alexander Stuart, a bridge-tender, says that Mr. Ellis discharged him because he did not run to open the gate for J. B. Smith. That was the trouble: he did not run when Mr. Ellis snapped his fingers. I have seen Alexander Stuart, and he is as good a specimen of a man as stands in Canada to-day, but he was taken back again—the cast iron rule did not work there. The power behind the throne got him back; Mr. Rykert had him put on again. As Stuart says in his evidence: "I got a letter a few days afterwards from Mr. Ellis by Mr. Demare that I was to go to work again." When I asked him why he was discharged, he said: "Because I did not run he discharged me, and I had a pair of knee boots on my feet. We were puddling clay when he called me." That was not a very good reason for discharging a man, because when he had a large pair of knee boots on his feet he did not run to please Mr. Ellis. If Mr. Ellis had been a good judge of human nature he would have said to Stuart: "I see you have a heavy pair of boots on; give me the key and I will open the gates myself." He would have made a friend of that man for life; but no, the tyrant showed itself when the occasion occured, and because Mr. Stuart would not run to open the gate for J. B. Smith, Mr. Ellis' broker, he was discharged. There is another gentleman, Mr. John McDonagh, of Thorold, who gave evidence which will be found at page 342. He says that he was treated rudely by Mr. Ellis because he refused to lend him $800 and also refused to endorse his paper. Mr. McDonagh is respected wherever he is known. He was councillor of his own town for three years, reeve of his town for four years, mayor of his town for four years, magistrate of his county for twenty years; and last, though not least, he is president of the Conservative Association of Welland, a position he has occupied for the last eighteen years.

HON. MR. READ—That is a good recommendation.

HON. MR. McKAY (C.B.)—Why did he dismiss him?

HON. MR. McCALLUM—He did not dismiss Mr. McDonagh, because he was not employed on the canal, but he treated Mr. McDonagh rudely. Mr. Ellis, as the evidence shows, is a very nice, civil man when he is paid for his civility, but Mr. McDonagh did not bleed: he would not lend Mr. Ellis the money. But Mr. McDonagh's principal offence was that he did not copy and send this celebrated letter for Mr. Ellis to Sir Charles Tupper:—

"*Please copy and forward.*

"THOROLD, 30th April, 1880.

"Sir CHARLES TUPPER.

"DEAR SIR,—I have only recently heard Mr. Ellis, our new Canal Superintendent, is only receiving $2,000 a year salary, $900 a year less than Mr. Bodwell, his predecessor—and I feel it only an act of justice to him to say that Mr. Ellis has worked very hard and done more judicious well-done and much-needed work along the canal already than has been done for years—and the improvements he has made are so important, and so much appreciated by all the captains, vessel owners and citizens generally, that everybody is sounding his praises in the highest terms, and it will afford the greatest satisfaction, I am sure, to everybody, irrespective of politics, to hear that the salary of so deserving and efficient an officer is at least raised to the full amount received by his incompetent predecessor.

"Yours respectfully,

"JOHN McDONAGH.

"P. S.—Of course, I intend to ask Mr. Rykert, McCallum and Bunting to try and help me before they leave Ottawa."

I have got the original of this letter, and I think it ought to be lithographed and put in a frame. Although this letter is signed with John McDonagh's name he never wrote it or signed it—it is in Mr. Ellis' handwriting. I have stood a great deal of the expense, so far, in connection with this investigation, and I think for the benefit of posterity this letter ought to be lithographed at the expense of the country. Was there ever such a letter written? The object was to deceive the Government in this instance, as he has been doing in other directions. If ever there was a case of a man blowing his own horn I think you will say it is this. I repeat, Mr Ellis is always civil when there is anything to be gained for himself by his civility, but he is violent and rude when people refuse his requests. Mr. Ellis says that he ordered Mr. McDonagh out of his office and threatened to kick him out; but if he had attempted to do so he would have had the biggest contract on hand that he ever undertook. He knew better than that. When he had the protection of the court as a witness he was not afraid to say that he threatened to kick Mr. McDonagh, but he would take good care not to say it elsewhere in Mr. McDonagh's presence. The fact is, when he ordered Mr. McDonagh out of his office the reply was: "Yes; I am always ready to go out of a gentleman's office when I am told to do so, but come outside with me." Mr. Ellis did not follow him. Mr. Ellis gets free gas on the Welland Canal from the gas company of St. Catharines, who have a bulk sum contract with the Government to supply gas on the Welland Canal for $10,000 a year. We find that the company made a present to Mr. Ellis—that by a resolution of the board they gave him free gas for light and fuel. What do they give it to him for? Is it for his good looks? He is a pretty good looking man, but I do not think they give him free gas light and free fuel because of his attractive appearance. I have already read to you section 31 of the canal regulations, which forbids any man employed on the canal receiving directly or indirectly anything more than his salary. The intention of the Parliament of Canada is that every man employed on that great work should be honest, and should depend upon his salary alone for a living. If any man does not get salary enough the proper course is to raise the salary, and not have him looking around for testimonials and bonuses and favors from the people who want special advantages on the canal. We commenced to take evidence on this gas question early in the investigation. I had a good deal of trouble to get evidence on the subject, and had some difficulty in getting the commissioner to admit the letter that I have just read. We got it in one day, and the next day the commissioner wanted to take it out, and I, on behalf of the people, protested. He said he would expunge it out of the evidence. I asked him how he could do that? I said: "I have a copy of the evidence; are you going to take me by the throat and force me to give it up? I should like to see the man that would undertake to do that." He said he would expunge it from the copy he sent to the Government. I said: "You can expunge the whole evidence if you like,

but anything I have got you cannot get." What was the result? He sent to Toronto to the Chief Justice to get his opinion; and what was the reply? I did not see the letter, but I take the commissioner's word for it. He said: "Take all the evidence you can get." Did he take the advice of the Chief Justice? Not at all, as I shall show before I get through. On the subject of free gas to Mr. Ellis, Mr. Francis Timmins, secretary and a director of the gas company at St. Catharines, was examined. His evidence will be found at page 94. Mr. Timmins said: "We gave Mr. Ellis free gas by a resolution of the board, and the reason stated for giving Mr. Ellis free gas is that we have always been treated gentlemanly by Mr. Ellis, and on account of his courtesy and civility." I have shown you how courteous he was to Mr. McDonagh, Mr. Current, Capt. Saurien and Capt. Ross. But then they had no free gas to give. Mr. Timmins further said that Mr. Ellis had control of the gas on the canal—that is, he had the control of the consumption of the gas on the canal. He can order the lock-tenders to turn down the gas and, as a matter of fact, that is the practice that has been followed on the canal for some time. But the commissioner says there is nothing in the gas question so far as the canal is concerned. I will endeavor to show that there is. According to the evidence of Mr. Chatfield, the gentleman of leisure that I have been speaking about, Mr. Ellis burns gas for fuel in his house. He ought to know, because he is a gas-fitter, and put in the gas fixtures and gas stoves in Mr. Ellis' house. I believe the Government can demonstrate, if they choose, though no evidence was taken on the subject, that Mr. Demare burns gas in his house which is charged to the Government. I intended to give the commissioner an occular demonstration of the fact, but owing to the disagreement between us towards the end of the investigation I was unable to do so. The gas that Mr. Demare consumes passes through a meter and is charged to the Government; and then, as I understand, Mr. Demare has got a meter that was used in the old canal office as a blind, Mr. Timmins said, that they collected bills every month; but if they collected bills every month, is it likely that they would let this man's bill stand for three years? If he was burning five gas jets for three years, is it likely that the meter would record it? I think they gave themselves away on that question. I am satisfied if the Government will send a man there to investigate the matter they will find that what I say is true, especially if the frost is deep enough in the ground to prevent them changing the pipe; and now I shall endeavor to show you what the saving is to the gas company by having the gas turned down, as it has been for years on the Welland Canal. The evidence goes to show that except while a vessel is passing through the gas is turned down three-quarters. In fact, it is turned out altogether on moonlight nights. Now, I have made a calculation of the saving effected by the company in return for giving Mr. Ellis free gas and free fuel, and a subscription of $100 to a testimonial. It is as follows:—

Memo. of vessels going through the Welland Canal per published returns:—

1887—Down, at Port Colborne.....	892
Say the same number up.....	892
	1,784
1888—Down, at Port Colborne..... ...	914
Say the same number up.....	914
	1,828

Or say, in round numbers, about 1,800 up and down per year—about seven months and twenty-five days, less thirty-four Sundays, at twenty hours each, which leaves 205 days or, say, 5,056 hours, leaving each vessel an average time of two hours and forty-eight minutes to lock. The evidence shows that it takes on an average twenty-five minutes to lock a vessel. But allowing them twenty-three minutes more, that will make it forty-eight minutes that the gas is burnt at full flare. Now if the gas is turned three-quarters down for the other two hours, as the evidence shows, Mr. Ellis saves for the gas company one-half of the gas by his orders, while the business of the country suffers. (*See* Donald McPhee's evidence on pages 777 to 779). So the gas company made a good investment for the stockholders when they gave Mr. Ellis free gas and allowed him to use it for fuel, and also gave him $100 in cash besides. He (Ellis) gives the gas company more than he takes by turning down the gas. While we are paying for gas that we do not get, the business of the country suffers, and people get drowned in the Wel-

land Canal. I do not mean to accuse Mr. Ellis or the gas company of being the cause of the unfortunate drowning accident by which a young man and a young woman lost their lives; but it is a question for you to consider, when I get through, whether they did not contribute, to a certain extent, to the death of those two people. A young man named Clark and a young lady named Miss Kennedy left St. Catharines on the evening of the 18th of August, 1885, for a drive along the bank of the canal. They had a perfect right to expect to find the gas burning. The canal bank is a road used by the public. At each gate, wherever a bridge crosses the canal, every bridge-tender has a key, and he locks the gate if the road is not open to the public. When Mr. Clark and Miss Kennedy drove along the canal bank they had a right to expect that the gas would be burning full flare, because they knew the country was paying for it. The evidence goes to show that the gas was turned down at the time the drowning accident occurred. I took the evidence of Mr. Donald McPhee, an expert, and it goes to show that where Mr. Clark and the young lady were drowned, if the gas had been turned full flare a hole in the sidewalk could have been seen. No inquest was held. I do not like to say that the influence of the gas company prevented an inquest, but Edward Goodman, who is the coroner, and who is also a director in the gas company, was on the spot after the accident. However, no inquest was held. I remember the lock-tender gave evidence on this question; he was the only person during the whole of the investigation to whom I said an unkind word. He could not tell me, though he was within a few hundred feet of where Mr. Clark was drowned, and was the lock-tender at that lock, whether the gas was burning that night or not; and I said to him: "You are a know-nothing." The evidence of Mr. Goodman, the coroner, will be found on pages 1531 to 1537. He says that the gas company gave Mr. Ellis free gas and $100 towards his testimonial because they thought he was worthy of it. Joseph D. Carroll, the old gentleman that tried to prove that Mr. Demare pays for the gas in his house, says that he has nothing to do with the gas metres—that his son does that business. He says further, at page 93, that he has nothing to do with the accounts. I remember, at the time I asked him the name of his son, and he said Joseph, and I said: "We have got the wrong Joseph." But this old gentleman is recalled for the defence, and his evidence will be found at page 2325. He says he took the record of the meter at Mr. Demare's house and found that he had used 25 or 30 cents worth of gas. When first called he knew nothing at all about this—said that his son attended to the matter; but when he comes to give his evidence later on he knows all about it. I think it will be found that Mr. Demare gets his gas free, because the Government pays for it. Mr. Carroll says that he never rendered Mr. Demare an account. Why should he render him an account? Mr. Demare takes his gas after it goes through the Government metre, and he has burnt it for three years in his house, using five jets, as can be seen from Mr. C. Demare's evidence. Mr. Carroll further remarks that he never rendered an account to Mr. Demare although Mr. Demare had asked for it. It is very strange and very improbable evidence. There was a witness named Vanderburg, a very important individual, who gave evidence at the investigation. He is the gentleman who, when first called, knew nothing about the band hall—had only seen it in passing by it; but when re-called remembered that he had a mortgage on the property. This man's evidence, as you will see by reading it, at page 490, was most unsatisfactory as to the management of repairs and works on the Welland Canal, the manner in which the time is kept and also his charges for travelling expenses. He charges as high as $205.90 in one year for railway fares. The first time he was called he swore that he paid full fare, but I got out of him when he was re-called that he only paid between $32 and $36. I refer you to his evidence, pages 1548 to 1559. You will also observe that his mode of keeping time was very unsatisfactory: he mixed red and black marks, writing one over the other—the red marks were in mourning, at times. There ought to be a different system of time-keeping, Now, it is strange that Mr. Ellis would certify to this man's account when he must have known, or ought to have known, that he had not been paying any such sum for railway fares; but it is easily explained if you will look over the pay-lists. You can see, almost invariably, that whenever Mr.

Vanderburg is paid so much per month for travelling expenses Mr. Ellis is paid nearly as much more, and he could not very well check Mr. Vanderburg under the circumstances. Although the country pays Mr. Ellis $300 a year for horse hire, Mr. Ellis charges the country with a large sum for horse hire paid to Mr. Foster, a livery man in St. Catharines. It is hard to tell how much Mr. Foster was paid—I do not believe the Department even knows. It was mixed up with the accounts of that gentleman of leisure, Walter Chatfield. At pages 1556 to 1559 of the evidence you will see Mr. Vanderburg's statement about measuring plank. You will find it interesting reading. At page 286 Thomas O'Neil, a foreman, describes how a dry wall was built at Neelon's mill and McCordick's tannery. The wall is about 200 feet long, and this man, O'Neil, worked at the spoke factory and at the bridge across the race, and got his pay at the canal office. He also swears that he returned to the canal office as work done for the Government the expense of liquid refreshments—lager beer. Mr. J. B. Smith certified to the list, knowing that this represented an expenditure for beer and not for work done. If it was thought necessary to furnish men with lager beer, why was it not properly returned? Why should it be concealed in this way? But the fact is, the employés on the canal paid for their beer by returning time to the Government for work which was not done. I would like to call your attention next to the fact the we have a storekeeper on the Welland Canal, Mr. W. W. Wait. There is about as much use for a storekeeper on the canal as there is for the fifth wheel to a waggon. It costs more to deliver the goods on the canal than their original value, and there are teams going along the canal all the time in the employ of the Government, which could deliver any good required. I had Wait's books before me, and such a set of books I never saw. I had him under examination three times, and he could not make anything out of his own books. The first time he was examined I asked him why it was necessary to build weighs cales there? I was of an inquiring turn of mind, and I wanted to know everything. He told me that he weighed 20 tons of scrap iron that was on its way to Wilson's foundry. I said to the commissioner, if he would follow this scrap iron further he would see it grow smaller and beautifully less, as it did. The Government pays Wait $1,020 a year, furnishes him a house and a piece of land rent free. Mr. Wait in his evidence, at page 628, says that he ordered people to vacate land at Lock 6 for the personal benefit of Mr. Ellis. As I said before, this storekeeper is a useless official; he is not wanted at all; he is only a bill of expense; and he is not the only one—there are several of them. Such officials should be dispensed with; idle men we do not want. Now, on the subject of the detention of vessels on the canal, I would ask you to read the evidence of Capt. James C. Hume, at page 448. His steamboat was detained in the canal for over an hour by getting on the bank, the canal not being properly lighted. Here, you see, a loss was sustained by the owner of the vessel through the turning down of the gas. If Mr. Ellis is to get free gas and free fuel, and a handsome testimonial, he must make some return to the gas company, though the business of the country should suffer. I want now to direct your attention to a case of tyranny on the canal. Martin Nestor, at page 338, says. "I was threatened to be discharged from the canal by Mr. Smith and Mr. Ellis because I was unfortunate, and got into debt through sickness in my family. I was told I would be discharged if I did not pay so much a month. By an order of the judge I was paying $2 or $3 a month, and Mr. Ellis wanted to stop $5 or $10 a month from me at the canal office." And they did stop it. They were not satisfied that this poor man, who had got behind through sickness and death in his family, should pay so much under the order of the court, but they wanted to deduct a further sum from his wages. Mr. Dunn said that Mr. Ellis would not be satisfied unless the money was paid to him, when Nestor wanted to pay it on the judgment. Mr. Ellis forgot the time he was in difficulties himself, when he sent his broker Smith around among the employés of the canal to raise funds to get himself out of trouble. He was not satisfied with the order of the judge compelling Nestor to pay so much a month on the judgment, but used his power as Superintendent of the Welland Canal to tyrannize over this poor man. Another case of tyranny is stated by John Clark, whose evidence will be found at page 483. Clark was a bridge-tender and a lock-

tender on the canal. He said he was discharged off his bridge to make a place for a man named Secord, who had a broken foot; he was asked to go to the lock to make room for this lame man, but he could not go, as he had himself a lame back. Neither Mr. Ellis nor Mr. Demare spoke to him, and he has had no redress to this day. He had no friend at court, and of course he had to suffer. What did Mr. Ellis and Mr. Demare care for this poor man—what did they care if his family suffered through their tyranny? We use a good deal of paint on the Welland Canal. F. T. Walton, at page 540, describes this beautiful paint procured from Battle & Smith, that the lock-tenders stuck fast to. That paint costs $1.90 per gallon, while good white lead could have been had for $1.40 per gallon. Now, why do we use this poor paint on the canal when good paint can be purchased much cheaper? I cannot say; but I may mention the fact that Mr. Smith, of the firm of Battle & Smith, is a son of J. B. Smith, Mr. Ellis' broker. As for the quality of this paint, Charles Newbold speaks at page 599. He says they had to put canvas over the shanties to keep themselves from sticking to the paint. James Reynolds, at page 713, says that his clothes stuck to the paint, and he covered it with cotton. I inquired who had put on this paint, and learned that it was John Doig and Robert Johnson, members of the Port Dalhousie band. I knew it must either be the fault of the paint or the painters. On the subject of deficient light on the canal, I would direct your attention to the evidence of Isaac Johnson, at page 578. He was not on his lock the night young Clark and Miss Kennedy were drowned, but at Lock No. 4. His evidence is very unsatisfactory on that matter, but evidently from what he says the gas was either turned down or not burning at all. Had it been burning he would have told me that it was. Another matter to which I wish to refer while speaking of the maladministration on the canal, is the statement made by Charles Newbold in his evidence, at page 598, that a boy of 16 years of age was put on a lock to relieve a man that was sick, both drawing pay, no doubt. That I think you will agree with me is a very bad practice. I would now direct your attention to Roebrt Foster's evidence, which will be found at page 211. Foster is the livery man of whom I spoke a few minutes ago. It was impossible to find out from him the amount which he received for livery rigs furnished to Mr. Ellis, because his books had been destroyed. However, we learn this fact, that although Mr. Ellis is allowed $300 a year for horse hire the Government pay his livery bills. I would direct your attention on this point to page 67 of the evidence, and also to the account of the money received by Mr. Foster and to the report of the Auditor General and the pay-lists. Mr. Foster's account in 1888 was $291.50, and in 1889 it was $454.50, divided between Mr. Chatfield and Mr. Ellis.

John Ferguson gives evidence at page 642 as to the drowning of young Clark and Miss Kennedy. He says that he went to Lock 3, and then he had to run to Lock 4 before he could get any assistance to take these people out of the canal. This man Johnson was at Lock 4 instead of being at his own lock. John Wilde, a lock-tender, says at page 640 that he met Ferguson coming after a light and knew he was a stranger. This shows plainly that the gas was not burning at the time young Clark and Miss Kennedy were drowned, although the people of this country pay the gas company of St. Catharines $10,000 a year for lighting the canal. I said a while ago that I did not like to assert that the transactions between Mr. Ellis and the gas company caused the loss of these two lives, but it is for the House to say how far they are responsible for that disaster. Taking all the facts in connection with the case, it seems clear that the gas was not burning on the night of that accident and that these lives might not have been lost if the gas had been burning at full flare.

Edward Smilie, referring to Mr. Miller's contract for building the pontoon, says at page 679 that they took six or eight sticks of timber to use in the building of the pontoon. Mr. Rykert did not ask Mr. Smilie a single question, because he felt that the witness knew too much about what had been going on.

Smilie also says that they took Government spikes in the presence of Vanderburg, and that after that they used Government spikes altogether for the pontoon. I have spoken already about the case of Alex. Abbey, from whom they collected money to pay Mr. Ellis' debts, on the condition that he should be employed on the canal at a certain rate per day. They said to

him: "We want to hire your horse," and Abbey replied: "What will you pay me?" They said: "$1 a day," but Mr. Abbey refused to work for that and demanded $1.25. Then they said: "If you will allow 50 cents a day to go towards the payment of Mr. Ellis' debts we will pay you $1.50." That is the evidence of Mr. Abbey, and it gives some idea of what has been going on in connection with the management of this canal for some years.

At the request of the leader of the House, the conclusion of Mr. McCallum's speech was postponed to the 21st instant.

THIRD READINGS.

Bill (E) "An Act for better securing the safety of certain Fishermen." (Mr. Power.)

Bill (D) "An Act respecting Agricultural Fertilizers." (Mr. Lacoste.)

SECOND READING.

Bill (B) "An Act to amend an Act incorporating the Alberta Railway and Coal Company." (Mr. Read.)

BILLS INTRODUCED.

Bill (24) "An Act respecting the St. Stephens Bank." (Mr. Botsford.)

Bill (33) "An Act respecting the People's Bank of New Brunswick." (Mr. Botsford.)

The Senate adjourned at 6 p. m.

THE SENATE.

Ottawa, Friday, February 14th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

BILL (N) "An Act for the relief of Emily Walker." (Mr. Clemow.)

AN ADJOURNMENT.

MOTION.

HON. MR. O'DONOHOE moved—

That when the House adjourns this day it do stand adjourned until Thursday, the 20th instant, at 8:30 in the evening.

He said: In making this motion, I am following a practice which has for a long time prevailed in the Senate. In this instance, we lose but two working days, Monday and Tuesday. I should like to know from the Government if any pressing business is likely to present itself before next Thursday that might be retarded in any way by this adjournment? However, it is perhaps unnecessary to ask the question, because sufficient notice has been given of my intention to move for this adjournment, and there is no doubt that if it would in any way interfere with the business of the House the representatives of the Government in this Chamber would have intimated the fact to me. Under the circumstances, I think there is not likely to be any opposition to the motion.

HON. MR. ALMON—I should like to know from the leader of the House if the adoption of this motion will interfere with the public business in this Chamber. If they think it will not, I shall vote for the motion.

HON. MR. LACOSTE—I may state that the adjournment will not interfere with the Government business in the Senate. In the Commons the discussion which is now in progress on Mr. McCarthy's Bill is likely to continue for two or three days longer, so that I can see no objection to this brief adjournment.

HON. MR. KAULBACH—My hon. friend says that this motion is in accordance with the practice of the House. I know it is in accordance with the hon. gentleman's habit to ask for these adjournments.

HON. MR. O'DONOHOE—My hon. friend is in error; this is the first motion of the kind that I have ever proposed.

HON. MR. KAULBACH—It seems to me that the hon. gentleman displays a good deal of temerity in bringing this matter before the House. Of course, it is within his right, but one who devotes so little attention to the business of the Senate, and so seldom appears in his place here, can hardly form an opinion of the state of the public business, and should hesitate before asking for such an adjournment as this. I thought we had come to the conclusion, in the early portion of the Session, when we adjourned for nearly two weeks, that there would be no more adjournments this Session.

More than that: I was under the impression that every proposition for such an adjournment should come from our leader, who should be responsible for the business of the House; and if the leader of the Senate has evaded his position, and allowed the matter to come from my hon. friend from Toronto, I consider that he has shirked his responsibility. Some hon. gentlemen here, in anticipation of this adjournment, have put their Bills off until the latter part of next week. Some eight or ten Bills have thus been postponed, among them a very important Bill, introduced by the hon. member from Monck, affecting the whole of the Dominion, which has been stopped in committee in expectation that this adjournment would be granted. It is virtually an adjournment for ten days, Friday excepted, that is proposed; because we know that any Bill coming up on Thursday night will receive no consideration. It is a sham day, because we come here late in the evening, and after routine proceedings nothing is done. Next week there is only one holiday, Ash Wednesday. If my hon. friend is religiously disposed, let him go home and attend to his religious duties, but it is not necessary that the whole House should adjourn for Ash Wednesday.

In my opinion, when members absent themselves on these holidays they should lose a day's pay, and if they did we would not hear of so many adjournments. (Oh! oh!) I say it is so. Some hon. gentlemen move in this matter simply to get so many more holidays at the expense of the public. That is the amount of it. (Cries of "Oh! oh!" and "order"). We hold responsible positions here, and we are supposed to sacrifice something for the public good and to come here to transact the public business. But when we take these long holidays we are neglecting the public business. We have as good a right to be here as the members of the House of Commons. The people come to the Capital expecting to find us here, and on their arrival learn that we have gone away on holidays. Now, that is not in the public interest. It is unquestionably derogatory to our position in the eyes of the public. I have referred to one important Bill that is postponed because of these holidays, and there are other Bills besides, the passage of which is imperilled because some members want to go home for a few days. There are half a dozen notices on the Order Paper which, if properly discussed, will occupy all the time included in the holidays. It is deluding the public to say that we propose to sit on Thursday next. When the Senate meets at 8:30 in the evening after an adjournment no business is transacted. I know there are Government measures and private measures that ought to be on the Paper, and would be if this adjournment had not been proposed; but they are all staved off on account of this adjournment. I am doing my duty to the public and to the Senate when I protest against this practice continuing If we must have an adjournment, let the proposal come from the leader of the House, and let him take the responsibility. If he does, and can show that it does not interfere with the public business I should not have the same objections that I have to this motion. We have plenty of business before us, and, as a fact, we rush through the business every day in order to clear the Order Paper by 6 o'clock. We sometimes accuse the Government of not having measures ready for us. They should be ready, and the Government deserve censure if we are without work. We have been here nearly four weeks, and if the leader of the House tells us that there is no Government measure to engage our attention, and that we can practically adjourn for ten days without injury to the public interest, he condemns himself and his colleagues. We should have something to do; otherwise we have no right to be here at all. I feel warm on this matter. This motion is brought up to accommodate a few members who live within a short distance of the Capital. If they want to go home, why not let them go, and take the consequence of their absence. If they wish to remain here, there is nothing to prevent them keeping Ash Wednesday at the Capital. Merchants and others can attend to their business and properly observe the holiday; but the main object of this motion is that the members may retain as much of their pay as possible. (Cries of "Oh! oh!" and "order"). I believe the hon. gentleman opposite who says "Oh! oh!" is governed by just these motives. I am sorry if I have trampled on his corns. When I was asked to join this honorable body I felt, as I believe every member of the Senate should feel, that in order to discharge my duties properly here I should be prepared

to sacrifice, to some extent, my private interest and my personal convenience. I protest against this adjournment, because we are imperiling the passage of important measures; and, in view of all the facts, I ask the House to hesitate before consenting to the motion.

HON. MR. READ (Quinté)—There are few members of this House who can go home as easily as I can, and very often I have supported motions for adjournments; but in this instance I think it my duty to vote against the proposal, for this reason: I am in charge of a Bill, and there are parties here watching its progress who are waiting to telegraph to Europe if it should become law, so that the enterprise may go on without delay. I was so informed this morning by one of its directors. It is only a few days since I was home. My seat has hardly got warm since my return, and we are asked to adjourn again and take another jaunt. If we are to adjourn every few days the people of the country will never know when to find us here. During the Session our place should be here. I can go home in seven hours, and I can leave my house at lunch time and get here at 8:30 p.m. the same day. So I have no personal reason for opposing the adjournment, but I think at this period of the Session it is contrary to the public interest to lose so much time.

HON. MR. LACOSTE—In answer to the hon. gentleman from Lunenburg, I think he is wrong in throwing the responsibility of this motion on the Government. Every member of the Senate has a right to make a motion of the kind if he pleases. Last year, or the year before, the hon. gentleman from Delanaudière made such a motion and it was accepted by the House. The position the Government takes is this: the question has been put to me, as representing the Government, whether this adjournment would interfere with the Government business. In reply, I say it will not. It is for the House to declare whether an adjournment would interfere with the business of the House. If it will, the motion should be rejected.

HON. MR. DEVER—I do not think anybody will find fault with the representatives of the Government in this House as matters stand at present. They are doing their duty; but there is another view of the subject which is worthy of consideration—that the representatives of the Lower Provinces and British Columbia are unable to avail themselves of this proposed adjournment to visit their homes. They are kept here idle and under expense, and that is why we complain. It is not necessary that those who wish to observe Ash Wednesday should visit their respective homes. There are very good and commodious churches in this city, and the gentlemen who wish to put ashes on their foreheads can do it quite as well in Ottawa as anywhere else.

HON. MR. ALMON—According to my calculations, by this adjournment we will lose only 2½ days. Saturday is not a sitting day, neither is Sunday—at least it ought not to be. Monday and Tuesday are not holidays, but Wednesday is a statutory holiday, and the House will meet on Thursday evening. I may be mixed in my arithmetic, but it seems to me that the loss of time will not exceed 2½ days. The hon. member from Lunenburg objects to the adjournment because people will come here to see us on business, and will be disappointed when they find we are away from the Capital. Well, anybody from Lunenburg will find the hon. member here, and any one from Halifax will find me or my colleague. I am perfectly disinterested in this matter, but I think when there are only 2½ days lost there can be no reasonable ground for opposing the motion. The leader of the Senate tells us that the adjournment will not interfere with the Government measures, and I know that the passage of private Bills will not be imperilled. I can see no objection, therefore, to the motion.

HON. MR. COCHRANE—The hon. gentleman from Lunenburg referred to me, I suppose, when he spoke of tramping on somebody's corns—at all events, he looked at me when he spoke. If so, his remarks are unjust and incorrect. When the hon. gentleman arrived here the morning before the last adjournment I heard him say: "It is mighty lucky for me that I got here before this adjournment." Why was it lucky for him? Because he would get the benefit of the adjournment; and I heard the same gentleman remark, when the adjournment was proposed: "If I had known of this I should have stayed at home with my family."

HON. MR. KAULBACH—I was not alluding to my hon. friend at all.

HON. Mr. COCHRANE—Then to whom did you refer?

HON. MR. KAULBACH—I can assure the hon. gentleman that he is the last person in the House that I would think of. He is wrong in supposing that it was any benefit to me to arrive here before the last adjournment. What benefit could it be to me? Was it a pecuniary benefit to me to come here and remain idle through the holidays or return home? The hon. gentleman has so muddled the thing that he cannot make us understand what he is driving at. It was not in my interest to come here just on the eve of the ajournment and have to go back home again.

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

CONTENTS:

Hon. Messrs.

Almon,	MacInnes (Burlington),
Armand,	Merner,
Baillargeon,	Murphy,
Bellerose,	O'Donohoe,
Casgrain,	Pâquet,
Chaffers,	Poirier,
Cochrane,	Price,
DeBlois,	Reid,
Glasier,	Robitaille,
Howlan,	Sanford,
Lacoste,	Smith,
Lougheed,	Stevens,
McKindsey,	Vidal.—26.

NON CONTENTS:

Hon. Messrs.

Archibald,	McDonald (C.B.),
Clemow,	McInnes (B.C.),
Dever,	McKay,
Dickey,	Macdonald (Victoria),
Girard,	Macfarlane,
Haythorne,	Montgomery,
Kaulbach,	Power,
Lewin,	Prowse,
McCallum,	Read,
McClelan,	Sutherland.—20.

THE CATTLE EXPORT TRADE.

ENQUIRY.

HON. MR. READ rose to—

Call the attention of the House and of the Government to the proposal to ship United States cattle from Canadian ports for Europe, without being subjected to the now existing quarantine regulations, and inquire whether or not it is the intention of the Government to carry out such proposal?

He said: I bring this matter before the Senate in consequence of a proposition that has been made in some parts of this country to allow United States cattle to be exported from Canadian ports. I object to anything of the kind, on the ground that it will interfere with our cattle trade. I think I will be able to show that it would be exceedingly unwise to permit anything of the kind, and that it would be very detrimental to the interest of the farming community of Canada. As the House is no doubt aware, our Canadian cattle are not scheduled in England, while American cattle are. Cattle when scheduled must be slaughtered immediately on being landed; cattle that are not scheduled can be taken to the different markets of the United Kingdom, or fed, as may be desired. Consequently, our cattle are worth more per head than American cattle in the English market. Some time ago I made up my mind to meet Mr. Wiman at two or three meetings that he was holding in our part of the country, to get information from him and to give the people the information that I thought I possessed. Before doing so I put a series of questions to some gentlemen who are largely engaged in this cattle trade. The questions and replies were as follows:—

"Q.—Were you amongst the first shippers of cattle from America to England? A. We were.

"Q. Have you continued in that business ever since? A. We have.

"Q. What number of cattle have you shipped? A. About 250,000 head. (His clerks told me that he was wrong as to that, the shipments having been over 300,000).

"Q. What was the largest number you shipped in one year? A. Forty-five thousand head.

"Q. Have you shipped largely United States and Canadian cattle? A. We have.

"Q. What is the relative value of the Canadian and United States ox in England of the same weight and quality? A. The Canadian ox is worth from $2 to $4 a hundred more, or from $10 to $20 a head, or thereabouts."

Not satisfied with that, I enquired of another exporter who is largely engaged in the trade, and particularly in the Canadian trade. He did not deal in American cattle so much, and he did not give the difference in value at such high figures as that. He knew to whom he was talking, and possibly he did not wish to tell too much. I asked him, then, as to the difference in the value between Canadian and United States sheep in England. He said that Canadian sheep were worth 1½d. or 3 cents per pound more than United States sheep—equal to about $2 a head difference in our favor. He said to me, in

a conversation I had with him a year or two ago: "I got into a great mess in England; they stopped my cattle from landing. I called upon Sir Charles Tupper, and he took hold of the matter and handled it in such a manner, bringing experts from Edinburgh and other parts of the country, and slaughtering some of the cattle, and investigating the question, that within a very short time I was relieved and saved from ruin. If it ever comes in my way to thank Sir Charles Tupper I shall certainly do so. He saved me and others from severe loss." I said: "It would not hurt you very much; you are rich." He said: "I have cattle landing every few days." It shows that we have a very great advantage under the existing regulations. I see by the returns of 1888–89 that we shipped to England 60,000 head, at the value of $4,888,101, and about 37,000 head to the United States, valued at $484,000. In other words, the cattle that we shipped to England averaged a little over $83.20 a head, while the cattle we shipped to the United States averaged a little over $13 a head. Now, if the United States cattle are allowed to be shipped from Canadian ports the first thing we may expect is that the English farmer, with whom we are competing, will call upon the British Government to place Canadian cattle on the same list as American cattle. I am told by the hon. member from Compton that, according to the Montreal trade returns, we shipped last year nearly 90,000 head of cattle. If you estimate the advantage we have in the English market by not having our cattle scheduled at $10 per head, we have a benefit from the existing regulations of $900,000 a year. That is the advantage we have in the English market above what we would have if our cattle were scheduled. Everyone who has cattle to sell in this country realizes the importance of maintaining the favorable position in which we are situated. There is another fact which I wish to bring to the notice of the House: The exporters of cattle, as a general thing, contract for their space early in the season—in the latter part of the winter or towards spring they contract for this space on certain lines of ships for exporting cattle. They are shrewd and intelligent men and work together. Having contracted for the space they must fill it. What is more natural than for these shippers to say: "We know that there are 47,000 head of Canadian cattle that have to be shipped by July, because all the distillers' cattle and most of the best stock of the farmers must be shipped by that date. The shippers, knowing these facts, and having secured the space, go into the markets early and buy our cattle. It is not unreasonable to say that if the regulations were relaxed, in the manner proposed by some interested parties, these shippers would fill their ships with American cattle for three or four weeks, until the price of Canadian cattle would fall, and then go into the market and buy at reduced figures. Others could not get the space, because they would have contracted for it and the Canadian farmers would be at their mercy. There would also be the danger of bringing disease into the country, which would injure our interests very seriously and reduce the value of our cattle. Shippers are comparatively indifferent about the prices they get, whether it is four or five dollars a hundred, but it makes a great difference to the producer what price he can get for his cattle. This proposition to which my enquiry refers comes entirely from the shippers. They say: "We will be able to ship 100,000 head of cattle from Montreal if the Government will relax these regulations, and a larger number of ships will come to Montreal." That is all very well, but at whose expense would the increased shipments be? I claim and know that it would be at the expense of the Canadian producers, and I feel that the Government will not relax the regulations; but I think it my duty to call their attention to the matter, and to show the importance to Canada of the advantages that we now possess. The prices of cattle in the United States are low at present. American dead meat is being sent from Chicago to all the principal markets of the Lower Provinces paying 1 cent a pound duty and competing with Canadian meats in our own markets. Nothing would be more natural, if these regulations were relaxed, than to find our shippers going to the cheapest markets and purchasing cattle, but they cannot do so under the existing regulations. I think I have said sufficient to satisfy the House and country that we are deriving a great advantage now from the existing regulations and that it will be in the interest of the Canadian farmer to maintain them.

HON. MR. KAULBACH—The Maritime Provinces being largely interested in shipping, it might be supposed that the position taken by my hon. friend is antagonistic to our interests, but even though it were, my views coincide with those expressed by him. Our ships might carry more American cattle if these restrictions were removed, but if it would have a tendency to diminish the profits of our farming community to the extent of $15 or $20 on each head of cattle they export it would not be in the interest of the Dominion. In the end it would diminish the shipping trade from our own ports. My hon. friend has shown the great advantage which our farmers enjoy through their cattle not being scheduled in the English market. It is a great advantage to them, and through them to the whole country, because the wealth of the Dominion is based on the prosperity of the farming community. Therefore, even though it should deprive our shippers of a trade which they might hope to secure, it will, on the whole, benefit the Dominion. With regard to American meat coming down to the Maritime Provinces, I may say that the Americans purchase our eggs, and in this way make up fully for the loss that the farmers sustain by the competition in the meat trade.

HON. MR. DEVER—Every thoughtful man in this country must sympathize with my hon. friend's desire to promote the interests of the farming community. The internal wealth of the country is dependent upon the success of the farmers. We all sympathize with the hon. gentleman, and I feel that it is our duty in every way to encourage the farming industry. One of the objects in bringing about the confederation of the Provinces was to benefit the shipping interests of the Maritime Provinces by employing them in the trade of the St. Lawrence valley. It was represented to us that the great St. Lawrence River was the natural highway for the commerce of the west of Canada and the western States. We believed that our ships would get the benefit of that great trade, especially after the enlargement of the St. Lawrence canals and the construction of railways in the west. The hon. member must expect that we are excessively loyal to the Confederation if we are to forego that advantage which was held out to us as an inducement to enter the Confederation. While the farmers of the Dominion should be assisted to every reasonable extent in the shipment of their cattle, still it would be a great loss to the commercial cities that are dependent upon the trade of the west which these regulations impede. A considerable portion of that trade must necessarily be cut off from us, but I do not wish this House to feel that we are so selfish as to demand that these restrictions shall be relaxed for our benefit, to the detriment of the farming community of western Canada. At the same time, I wish it to be understood that their benefit can only be secured by our loss.

HON. MR. SMITH—In answer to the hon. gentleman's inquiry, I may inform him that there is no intention to allow the shipment of United States cattle from Canadian ports for Europe with or without being subjected to any quarantine regulations. The present quarantine regulations, established under the Animals Contagious Diseases Act, absolutely forbid the exportation of United States cattle from Canadian ports, and there is no intention to make any relaxation.

CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

HON. MR. READ moved the adoption of the second report of the Select Committee appointed to examine and report upon the contingent accounts of the Senate.

HON. MR. KAULBACH moved in amendment—

That the first six paragraphs be adopted, and that the remaining paragraphs—7, 8, 9, 10 and 11—be referred back to the said committe for further consideration.

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

CONTENTS:

Hon. Messrs.

Almon,	McInnes (B.C.),
Clemow,	McKay,
Dever,	Macdonald (Victoria),
Dickey,	Merner,
Haythorne,	Miller,
Kaulbach,	O'Donohoe,
Lewin,	Poirier,
McLelan,	Sanford,
McDonald (C.B.),	Wark.—18.

NON-CONTENTS:

Hon. Messrs.

Armand,	Montgomery,
Baillargeon,	Power,
Chaffers,	Prowse,
DeBlois,	Read,
Howlan,	Robitaille,
Macfarlane,	Smith.—12.

The Senate adjourned at 5:20 p.m.

THE SENATE.

Ottawa, Thursday, February 20th, 1890.

THE SPEAKER took the Chair at 8:30 p.m.

Prayers and routine proceedings.

SECOND READINGS.

Bill (24) "An Act respecting the St. Stephen's Bank." (Mr. Wark.)

Bill (33) "An Act respecting the People's Bank of New Brunswick." (Mr. Wark.)

BILLS INTRODUCED.

Bill (O) "An Act to amend the Steamboat Inspection Act, Cap. 78 of the Revised Statutes of Canada."

Bill (27) "An Act to incorporate the Sault Ste. Marie and Hudson's Bay Railway Company." (Mr. Read.)

Bill (28) "An Act to incorporate the Ottawa, Morrisburg and New York Railway Company." (Mr. Read.)

Bill (22) "An Act to amend the Act to incorporate the Belleville and Lake Nipissing Railway Company." (Mr. McKindsey.)

Bill (21) "An Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company." (Mr. Clemow.)

Bill (14) "An Act respecting the Port Arthur, Duluth and Western Railway Company." (Mr. MacInnes.)

Bill (20) "An Act respecting the Goderich and Canadian Pacific Junction Railway Company, and to change the name of the company to the Goderich and Wingham Railway Company." (Mr. Macdonald, B.C.)

MARRIAGE LAW AMENDMENT BILL.

SECOND READING.

HON. MR. MACDONALD (B. C.) moved the second reading of Bill (F) "An Act to amend an Act respecting offences relating to the Law of Marriage." He said: Hon. gentlemen are, no doubt, aware that the Government promise legislation of some kind on this subject, and I propose to ask the House to allow this Bill to be read the second time and referred to a committee. In the meantime we can confer with the Government and ascertain what course should be pursued, whether the Bill should be dropped altogether or not. I hope, in moving the second reading of this Bill I shall carry with me the feeling of the members of the Senate that such a measure is necessary. If there are Mormons in the North-West Territories, wherever they settle they will practise the tenets and customs of their sect. It is, therefore, necessary and wise that we should at once prevent the spread of this canker in our country. I am not in possession of any figures bearing on this subject. I do not know how many Mormons there are in the North-West Territories, or to what extent they practise their peculiar customs, but it is said, wherever they are they are sure to practise polygamy. I think the best feature of the Bill is that which disqualifies offenders from being candidates for election to serve as members of the House of Commons of Canada, or Legislative Assembly of the North-West Territories, to serve as jurors, or to hold any office under the Crown or any public or municipal office in the North-West Territories. It will be one of the chief means of obtaining information and securing convictions under the Act. At election time, no doubt those people will take different sides, and their opponents will find out all the weak spots in their characters.

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

DEPARTMENT OF GEOLOGY BILL.

POSTPONED.

The Order of the Day being called, Committee of the Whole House on Bill (C) "An Act respecting the Depart-

ment of Geology, Mining and Natural History,"

HON. MR. LACOSTE moved that the Order of the Day be discharged, and that the Bill be referred to a Committee of the Whole House on Wednesday next.

HON. MR. SCOTT—I should like to ask the leader of the House if he is aware that a copy of the Bill has been placed on our tables, professing to embody a number of clauses that are not in the Bill introduced by the Government, the proposed changes being printed in different type? I should like to know whether these amendments are proposed by the authority of the Government or by officers of the Department.

HON. MR. LACOSTE—I have seen a copy of these proposed amendments, prepared by the officers of the Department. Several of these amendments will be proposed, and some will not.

The motion was agreed to.

The Senate adjourned at 9 p.m.

THE SENATE.

Ottawa, Friday, February 21st, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE DIVORCE COMMITTEE.

SIXTH REPORT ADOPTED.

HON. MR. DICKEY, from the Committee on Divorce, presented their sixth report. He said: I may explain that this report refers merely to the preliminary procedure in these three cases. By our rules, before a Bill can be read the second time proof must be furnished of the service upon the respondent of a notice, with a copy of the Bill. The duty is relegated to the Divorce Committee of inquiring into that matter, and the committee have so inquired into these three cases and found the notice and the service regular and sufficient. The precedent, in cases where the preliminary proceedings have been regular, is to move the adoption of the report. I therefore move that the report be concurred in presently.

The motion was agreed to.

GAELIC LANGUAGE BILL.

FIRST READING.

HON. MR. McINNES (B.C.) introduced a Bill entitled "An Act to provide for the use of Gaelic in official proceedings."

The Bill was read the first time.

HON. MR. DICKEY—I should like to ask my hon. friend if that is to be a dual language?

HON. MR. McINNES—Triple language.

HON. MR. KAULBACH—The hon. gentleman might also include German; it is more important.

HON. MR. McINNES—I move that the Bill be read the second time on the 11th of March. When the Bill is before the House my hon. friend from Lunenburg, and others who are equally interested in the language of their ancestors, can move such amendments as they may think fit.

The motion was agreed to.

SECOND READING.

Bill (M) "An Act to authorize the Toronto Savings Bank Charitable Trust to invest certain Funds." (Mr. McKindsey, in the absence of Mr. Sullivan).

The Senate adjourned at 3:45 p.m.

THE SENATE.

Ottawa, Monday, February 24th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (Q) "An Act further to amend the General Inspection Act, Cap. 99 of the Revised Statutes." (Mr. Lacoste.)

Bill (R) "An Act further to amend the Acts respecting the Quebec Harbor Commission." (Mr. Lacoste.)

THE WELLAND CANAL INVESTIGATION.

ENQUIRY.

HON. MR. McCALLUM resumed his speech on his notice to—

Enquire what action the Government intends to take on the evidence taken before A. F. Wood, Esquire, Commissioner, as to the conduct of the officials on the Welland Canal, in the management of that important public work.

He said: When last I addressed you on this question I was speaking about the evidence of Mr. Alexander Abbey, regarding an arrangement made with him by one of the deputy superintendents of the Welland Canal, about getting a certain amount of money towards the payment of the Superintendent's debts. I wish you particularly to read this evidence if it is published, as I hope it will be. (See page 697.) This is a most extraordinary arrangement; Mr. Ellis must have known about it, because he asked Mr. Smith—told him he was in trouble—in fact, that the sheriff was after him. Mr. John B. Smith, whom I will call Mr. Ellis' broker, was sent to make this arrangement. See what Mr. Abbey says: he was employed to go as master of a scow to do some work on the canal; he was told to get a horse. Mr. Abbey asked him to say what amount would be given for the horse. The reply was, we will pay you $1 a day; but that was not enough for Abbey; he would not furnish a horse for that. Then, on condition that he would allow one-half dollar of the horse's hire to go to the payment of Mr. Ellis' debts they agreed to give him $1.50 a day, and every month this gentleman, John B. Smith, came around regularly and got this money to pay Mr. Ellis' debts. And there are several others, I am satisfied—I was told so, and I told the commissioner so— in the same position as Mr. Abbey; but the commissioner would not allow me to prove it, as I will show you by his ruling. He did not want it shown what this money was got for; that is why I call this gentleman, John B. Smith, a broker of Mr. Ellis, because he was negotiating for Ellis with employés of the canal to draw money to pay his debts. Here is a man getting $1,450 a year of the money of this country to manage a canal through which but one vessel a week passes. That is the evidence of Mr Thos. R. Merritt, of St. Catharines, and we are paying this man $1,450 a year to superintend this canal, and he has got two or three foremen under him. That is the way the money of this country is being paid out. They are not doing their duty, they are looking after themselves, as I will show you. Abbey swears that Mr. Smith took him aside and made a private arrangement with him, and if you will look at John Smith's evidence he confirms Mr. Abbey's statement in every particular but one. But when Mr. Abbey gave this evidence, what did the commissioner do? He gave him a lecture—such a lecture as I have never known a witness get in this world before. He told him the "receiver was as bad as the thief:" but I see it is put down in the type-written copy of the evidence—I suppose my friend Holland was not unkind enough to put it in "thief," he calls it a "third." But any man can see what is meant; I spoke to the commissioner privately after the proceedings were over that evening, and told him if he lectured witnesses in that way it would keep them from testifying, and I would not be able to get anything out of them. You will see by his rulings on this question of borrowing money to pay Ellis' debts that when I told him there were others who could swear to the same effect as Abbey he did not allow me to ask any questions about it.

HON. MR. O'DONOHOE—I rise to a question of order. My hon. friend is speaking, and has spoken for days, on this subject. He simply is giving us a commentary upon evidence that was taken in court, which is not before us. We cannot form any opinion or judgment until the report and the evidence are laid on the Table here. When this is done, and the evidence is before this House, we will be in a position to form a judgment in the matter; but I submit that with this commentary we have nothing to do. What Mr. McCallum refers to is only a copy of the evidence. It is the rule of every court, and especially of the court of Parliament, that the best evidence must be produced. The best evidence in this case is what was taken at the investigation, and we should have no debate upon this subject until such time as the report and the evidence upon which it is based have been laid upon the Table of the House. What object can we have in considering the matter? We have no evidence—only a copy, which is

not admissible. All the authorities of Parliament agree upon this point, that the best evidence must be produced; and, therefore, I say, with the greatest deference and friendliness towards my hon. friend, that he is putting the patience of this House to a severe test. It is impossible to come to a conclusion upon what he is laying before them. His efforts should be directed, in the first place, towards having the evidence and the reports brought down, and then we will be in a position to look at them, and form a judgment on the matter. I submit that he should bring his observations to a close until that has been done. I do not say this to obstruct my hon. friend in any way, but as a suggestion in the interest of his own case, and in all friendliness and with due deference to him.

HON. MR. McCALLUM—I have no case. It is the case of the public. If my hon. friend had been in his place in the House when I spoke on this question before he would have known that the evidence is before the House.

HON. MR. O'DONOHOE—The evidence is not here.

HON. MR. McCALLUM—I am in the hands of the House. I could have put myself in order at any time, but I put it off from time to time. My hon. friend, who comes in occasionally, says I ought to do so-and-so, but if he had been here and heard what I said he would not have raised the question.

HON. MR. O'DONOHOE—The evidence is not before the House.

HON. MR. McCALLUM—It is here.

HON. MR. O'DONOHOE—That is a copy of the evidence.

HON. MR. McCALLUM—Yes.

HON. MR. O'DONOHOE—That is no evidence.

HON. MR. McCALLUM—There is the evidence taken by the official stenographer at the investigation; five copies were made. One copy is with the commissioner, one with Mr. Ellis, one with Mr. Rykert, the Government has another, and I have one copy here. Is not that official evidence?

HON. MR. O'DONOHOE—I insist that this report should be before the House.

Several HON. MEMBERS—Go on; go on.

HON. MR. McCALLUM—Mr. Smith took Abbey aside and made a private arrangement. Of course, Mr. Rykert says in his pamphlet, which is in the hands of every member of this House, that Ellis did not know anything about it. He says this, no doubt, for the purpose of trying to prejudice the case and to preserve the popularity of the officials of the Welland Canal. Well, Mr. Abbey says he got most of his pay back, but he swears distinctly that he would rather work his horse for $1.25 a day than get $1.50 on these conditions. Why? Because when he gave this money monthly he received nothing to show that he was giving it. If anything had happened J. B. Smith he would have lost the whole thing, because he had nothing to show what payments he had made. We find that they paid him $75 in the second year. There are others who were in the same position as Abbey. The commissioner himself, in speaking of this matter and lecturing Smith afterwards, practically admits that there might be others. He said: "If you could make this arrangement with Abbey, what was there to hinder you from making the same arrangement with forty others?" I told the commissioner there were others. I did not say there were forty, though he said there was nothing to prevent it; but he prevented me from showing who the others were by his ruling. Why did he gag me when I wanted to bring out the truth? I desire particularly to bring this to the notice of the Government. On page 2 of the pamphlet he thought he was clear, but he gave himself away. It is stated on page 2 of the pamphlet "Balance of the Testimony." I said the other day that this was not correct. The commissioner says: "The decision was reached after I left here. I wrote you immediately, Mr. McCallum; I got your letter of yesterday." I did say that I got the letter that morning. Here is what he states: "I wrote you yesterday informing you (the commissioner) of the fact that the Government gave me to understand that the summing up is a matter for my personal benefit." I want to know if the Government told him that—if the Government told him to put the gag on me; that I should not

argue the question. I do not believe it. I have been a supporter of this Government all my life, and I have nothing to hide. I do not believe the Government gave him that instruction, but he did it nevertheless, and why? Because on the Friday before he asked me if I would take much time. I said: "No; not very long." But I told him I would consider it my duty to comment on his rulings, and that is probably what caused this sudden change of front. That is why he would not allow me to comment on the evidence and go with the report, and explains why I am here to justify myself. He says he got an intimation from the Government. Fancy a commissioner appointed with the powers of a Superior Court judge receiving intimations of this character from the Government! Is it true? No; I cannot believe it. If they did give him an intimation of this kind to put the gag on me and hinder me from proving what I wanted to prove in the public interest, I want to know it, because I gave a good deal of time and went to some expense trying to get to the bottom of this case. It is not, as Mr. Rykert says, on account of spleen and spite. I have no spite against anybody. So much for the commissioner and his actions. I shall deal with his rulings, because I said, in addressing you the other day, that he treated me kindly and smoothly, as smoothly as you please, but he ruled against me, and he exceeded his powers in doing so. I maintain there were others who could give evidence of transactions such as that proved by Abbey, but the commissioner thought by not allowing me to bring forward other evidence that he was going to carry the thing by force. He thought that with Rykert, Q.C., M.P., he would overpower me. They thought they would make themselves all right by circulating this pamphlet. I do not know whether my friend from Erie Division has a copy of it. If he has, he certainly would not attack me for defending myself. I am put in a false position, and that is why I bring up the question here. I was willing to wait. I waited eleven months in the matter. I brought it before the Government last year. Did they suspend the Superintendent? No. I have waited three months longer, and if the report of the investigation is not here it is not my fault. On the 13th November this investigation was closed at St. Catharines. If the report is not here I am not to blame. After the commissioner ruled against me I asked Mr. J. B. Smith the question: "Did you borrow any money from anybody else, in the same manner, to pay debts?" The commissioner did not want him to answer. He wanted to add the word "corruptly." I told him: "You should be the judge in the first instance, the Government next, and then the people." Then he said, when I urged him, that the witness might answer if he liked. I asked the witness to answer but what do we find? We find that the gentleman defending the canal officials advised the witness not to answer, but shortly afterwards the commissioner, when Mr. Ellis came up to give evidence, said to him: "Truth will hurt nobody; truth is always best." He was looking for the truth but he did not want to find it. He put me in mind of the tramp who was looking for work, but hoped to God he would not find any. The commissioner ruled that I should not ask the same question of John Bradley. He would not let me ask Richard A. Booth as to whether he had given any portion of his horse-hire towards the payment of the Superintendent's debts. Here is a one-armed man, working on the canal as a foreman, working one horse and driving another, getting paid $1.50 a day for each horse and $2 a day for himself. That is the way business is done on the Welland Canal; but this is a friend of Ellis', and has done him some favor on the Intercolonial, and of course he wished to pay him back with the money of the country. Now, we will give this thing another turn, and talk about rubber boots. This is a strange thing to talk about in the Senate of Canada, but people on the Welland Canal brought 241 pairs of rubber boots into Canada without paying any duty, and sold them to the employés of the canal, and every man who bought a pair of boots had two days' time that he never worked returned to him to pay for them. That is in the evidence. It is true, I will admit, that Mr. Ellis had nothing to do with that. I do not hold him guilty of the rubber boots transaction, but I want to show the character of this man Roger Miller, who was put in the witness box twelve or thirteen times to try and swear Ellis and the rest out. I want to discredit his evidence as to these rubber boots. He swears that Mr. Page told him it was a good plan to return two days' time that the people did not work to pay for the boots.

Mr. Page swears to the contrary. He swears that when he gave Mr. Miller ten pairs of boots which, by the way, are not included in these 241 pairs, that Miller told him, "I will keep two days back from each man's pay to whom I give a pair of boots until the work is done, in order to make him take care of the boots." But what did he do instead? He sold the boots, and to every man that bought a pair he returned two days' time that he had not worked at all. Then Mr. Miller swears that the boots cost $3.80 a pair in Buffalo. I will put in an invoice of the boots to show what they cost. They cost $3.13½ per pair. Mr. Miller sells them to the canal employés at $3.80 and $4.00 per pair, and he makes from 60 to 80 cents a pair. Before I stop I will prove this from the evidence. We had considerable evidence about these rubber boots until the commissioner said "enough." James Reynolds said: "I paid $4 in cash for a pair of rubber boots and Lawrence collected it, but was allowed one and a-half days extra that he did not work to help pay for the boots." Now we come to the charge of maladministration. Last year, when speaking here, I said that I spoke about a gentleman who was getting pickings, and who, I stated, was giving more trouble than any other man on the canal—Mr. Demare. Of course Mr. Rykert makes fun of me in his pamphlet, saying that the pickings must have come out of coal. I paid very little attention to the fuel. The evidence shows that this man Demare, who went a dozen times in the witness box to swear himself and Ellis clear, is discredited by his old friends—men who were dragged into the witness stand against their will, and coached by the counsel of the canal officials before I got a chance of examining them. Here is the evidence of Michael Moriarty. He says (see page 830) that he farmed Government land on shares for Mr. Demare and gave him one-third of the crop. (See page 832). He says he got rubber boots, the Government paying half the price of them, and he paid for the other half. (See page 833). He says he raised 140 or 150 bushels of potatoes, and 80 or 90 bushels of corn, and Mr. Demare got one-third of the crop. (See page 839). Bernard McGrath says he farms 14 or 15 acres of land on shares for Mr. Demare; he raised about 400 bushels of corn and some 100 odd bushels of potatoes, and 170 bushels of oats, and Mr. Demare got half of the crop. (See page 848). George Brownlee says he farms for Mr. Demare on shares; he raised 140 or 150 bushels of potatoes, 50 or 60 bushels of corn and gave Mr. Demare one-third of all. (See page 873). John Cushman says that he farms for Mr. W. W. Waite—raised potatoes and gave Waite one-half. That shows some of Mr. Demare's pickings that I spoke of last Session. This Waite is the storekeeper, the man I said was of as much use on the canal as the fifth wheel on a Government coach. Now, here is what I would impress on the House: Demare gets a share of the crop, yet at page 1672 he swears, in answer to a question put to him by the commissioner, that no man gave him a share of his produce of any kind. Here are three men who swore that he did get a share. These are his own friends. I would ask you to look at the evidence. They very reluctantly admitted this. I dragged it out of them, and this is the gentleman that Mr. Rykert says goes out of a court with a certificate of character. If that is a certificate of character it cannot be of much value. Can you believe such evidence as that of Roger Miller about the boots, for instance. Mr. Miller's evidence is discredited by Mr. Page, and also by documentary evidence, because he says the boots cost $3.80 in Buffalo, and they only cost $3.13½. They are the gentlemen who came into the box to swear each other out. If you look at the evidence you will see that they were in the box thirteen, fourteen and fifteen times to try and swear themselves out.

Wm. Wilkinson, at page 835, says that Thomas Hastings paid him for work he did on the Forks Road bridge $3 per day and board; and at page 887 he says that he worked at J. B. Smith's and was paid by the Government—that he did plastering there. I should have mentioned this when speaking on charge 5. At page 894 Mr. Wilkinson mentions the relations which existed between him and Mr. Hastings and the Government. Mr. Walton keeps his time and is foreman, but Hastings pays the men for the work and makes 50 cents a day on every man, although he was not near the work. Now that is strictly under Mr. Ellis. I said before that Mr. Ellis had nothing to do with the rubber boots, but I do say that he had everything to do with this case. At page 905 Samuel Houston says that he returned time enough to half

pay for the boots, as if the men had been working for the Government—paying the men for rubber boots—hiding it from the Government and returning time for the men, to pay for the boots, that they never worked. This is the evidence of the foreman. The Government did not know that these boots were bought until the question came up in the investigation, because the men were given extra time that they did not work in order to pay for the boots, and they were paid at the canal office. It is little short of a conspiracy against the Government. Adam Flood, at page 1014, says that he had two days extra time allowed him to help to pay for the rubber boots. Robert Secord, at page 930, says that he got two pairs of boots and paid for one pair to Mr. Demare at the canal office, and he was allowed extra time to pay for half of the price of one pair. Conflicting evidence is given on this point. Some of the witnesses stated that they were allowed one day, others that they were allowed two days, but it was not likely that I could elicit straightforward evidence with Mr. Rykert, who had got these men appointed, and Mr. Ellis and Mr. Demare, who had the power of dismissing them sitting opposite them at the table. Of course, in the official report you will find the remarks which passed between Mr. Rykert and myself, because they form no part of the evidence: but if you would look at the newspapers of that time you would find some interesting reading. You will find that Mr. Rykert openly abused witnesses who did not give evidence to suit him. James Hindson, at page 1157, says that he got two pairs of boots, and paid for one pair in cash himself. He was allowed one day's time—$2—to help pay for the other pair. At page 1883 Roger Miller, the contractor, says that J. & R. Miller got paid $55 for rubber boots in 1888. He knows all about that. He was repairing the pier at Port Dalhousie, under Mr. Page's instructions. Now, if the Government paid J. & R. Miller $55 for these rubber boots, why should the men have extra time allowed them to pay for half of them, and Miller get the balance? On the subject of maladministration, I would call your attention to the evidence of Thomas Jones, a lock-tender, at page 1026. He was allowed to leave his lock for six weeks to work for other parties, and put another man in his place. He was allowed to work at the rubber factory that I spoke of the other day—that sink hole into which so much of the public money no doubt has gone. He was also allowed to work at the band hall three or four days while he should have been on his lock, and he worked at Demare's house also. Richard Hutton, who is also a lock-tender, worked at the rubber factory about six weeks. I would refer you to the evidence at pages 1406, 1407 and 1423, for Mr. Page's opinion about farming out lock-tenders. He says that it is a very bad practice and should not be allowed—that it is not safe to let these experienced men leave their locks and put green hands in their places. Now, these lock-tenders were sent away from the canal by Mr. Demare to work for private parties. I would refer you also to the evidence of Volney Mann at page 1089. He says he got orders from Mr. Dell, Deputy Superintendent, to take some pine plank from the Government yard to Mr. Dell's barn, and that he took twelve or fourteen in all. James Dell himself, at page 1106, says that the plank were new plank—Government plank, remember—and that he has them in his stable yet in the floor. Thomas Ryan, at page 1114, says that there were twelve or fourteen planks taken to Dell's place by Volney Mann. I come now to the evidence of Chester Demare, father of the deputy superintendent. He lives with his son, and is, therefore, in a position to know what he speaks of. At page 1140 of the evidence, he says that the deputy superintendent burns gas in his house—five jets—and to the best of his knowledge he has burned it for two or three years. Chester Demare, though an old man, is employed on the canal. He has been a good man in his day, and if I referred to the fact that he had been dismissed from the canal because of his dissipated habits, and was afterwards taken back, it was to show that Mr. Ellis did not always adhere to his cast-iron rule. Of course, it was natural that the son should take care of his father, but he should have been ashamed to pension him off on this country when he was able to take care of him himself. Chester Demare has been employed making wheelbarrows all winter, and has been drawing pay at $2 a day. Francis Timmons says, in his evidence, that Mr. Demare had no authority from the gas company to burn gas in his house.

What do the people and the Government think about allowing this man to supply himself with gas at the public expense? As I have explained already, although he has a meter in his house, it is only for a blind. The gas passes through the Government meter, and is measured there before it is consumed in his house, the Government paying for it. Alphonse Kelly, a lock-tender, at page 1158, states that he is a member of the Port Dalhousie band, and when he goes away to play he has a man put in his place by Demare's orders. He says also that he was taken from his lock and put as foreman on the floats, although drawing pay as lock-tender all the time. Whether he was paid in both capacities or not, it is a bad practice, as I have shown, to allow an experienced man to leave his post and put a green hand in his place. If anything goes wrong on the canal in the absence of the regular employé nobody is responsible. Edward Armstrong, a tug captain, at pages 1364 and 1372, mentioned the fact that he was detained at a lock while going through the canal on account of the gas being turned down and the locks not being ready. Adam Kennedy says, at page 1472, that he was wheelsman aboard of the propellor "Armenia," of which Capt. Hume was the master. He has known the boat to be detained in the canal on account of the gas being turned down and the locks not being ready. He has known the boat to get on the bank and has had to get out lines and heave her off. He could not work the engine because he was afraid of breaking the screw. Now, there is direct evidence of loss being sustained by vessel owners through defective light on the canal; but somebody must suffer in order that Mr. Ellis may get free gas in his house. This same witness, Adam Kennedy, gives a good deal more evidence on that subject. I remember he said he thought the Government of the country was buying the gas by the thousand from the gas company—that he could not otherwise account for the deficiency of light at the locks. He did not know the Government were paying a bulk sum, and he thought that they were economizing in the gas. I would now direct your attention to the contract of McCleary & McLean for lumber. I do not say that these men are getting more than their lumber is worth, but I do say that their contract is not honestly drawn. Amongst the items is one for balance beams at $15 each, while, as a fact, they cannot be supplied for less than $60 or $75 apiece. They are not used on the canal now, although they are mentioned in the contract, and the effect of it is to enable the firm to get higher prices for the kinds of lumber that they are required to supply. I did not get in all the evidence on that point that I wished to submit, because the commissioner said that he had intimations that it was time to close up the investigation. F. T. Walton's evidence commences at page 1502. He says he was ordered to hire masons, by Mr. Ellis, to work on the Fork's road and Chippewa bridges at $3 a day and board themselves. Thos. Hastings came at the end of the month and asked for their time, and said he would get $3.50 a day for them. Hastings did not work there at all. Now, this Thos. Hastings was a great friend of Mr. Ellis. When he was examined on this matter himself he said that he did no work there at all. At page 1511 you will see further about Mr. Hastings' transactions. Hastings wanted Walton to certify to a bill for work he did not do at all. At page 1767 Hastings confirms the statement that Walton refused to certify to this bill. I come now to a matter which is very small, but I want to refer to it to show you the size of the man that has been managing the Welland Canal for the last ten years. I was almost ashamed myself to dwell upon such trifling transaction, but it is an indication of the character of the Superintendent, and shows what a very small man he is. Thomas Smith, at page 429, says that he signed a receipt or paper to Mr. Ellis on the day he got an order for some gravel. At page 1772 Mr. Ellis puts in a receipt signed by Smith with a cross, and dated 26th November, 1885. Mr. Ellis, at page 2123, says that this is the only receipt that Smith ever signed for him. When Smith, who had given his evidence somewhat reluctantly in the first instance, saw in the papers that Mr. Ellis was trying to make him out a liar, he came running to me with an order which he had been given for the gravel, and which had not been taken from him when he got the gravel. This proves beyond a doubt that the man that has been managing the Welland Canal for the last ten years simply traded off the Government gravel for $1.50 worth of

vegetables. There is no doubt in my mind but that Mr. Ellis could have produced the receipt signed by Mr. Smith for the vegetables if he had chosen to do so, but instead of that he produces a paper signed with a "X," manufactured for the occasion, as the evidence shows, for the purpose of covering up this gravel transaction. What an exhibition of meanness on the part of the man who is trusted by the Government to manage such an important work as the Welland Canal! Can you credit his evidence on any point after hearing the details of this petty transaction? I have already referred, at some length, to the pontoon which was constructed by Mr. Miller, under a contract, but in which a great deal of material purchased by the Government was used. Mr. Page, the Chief Engineer, swears that Roger Miller was to do all the work, but the evidence goes to show that the employés on the canal did a very considerable portion of it, and received their pay at the canal office, when they ought to have been paid by Roger Miller himself. Mr. Miller says that an improvement was put on the pontoon, and that it was necessary to add to its buoyancy, and his contract did not include the caulking of the pontoon. Does anyone who knows Mr. Page imagine for a moment that he would make a contract for a pontoon without specifying that it must be caulked? Roger Miller swears that the pontoon was to be tongued and grooved, but the man who runs the planing mill at Port Dalhousie swears that he prepared the lumber, and that it was not tongued and grooved. Can anybody believe that John Page would make a contract for the construction of a sieve or a basket under the name of a pontoon? Mr. Page is very little there, and they take advantage of his absence to perpetrate a job and feather their own nests. At page 1663 Mr. Demare swears that Mr. Page never said anything to him about Miller having the contract—that is the way Demare tries to get out of the matter, but if Mr. Page did not tell him that Miller had the contract, who told him? Did anybody tell him? The men that were under his charge were doing the work on this pontoon, and he certified to the time as if the work had been done for the Government, while Mr. Miller had the contract. Do you credit that. Mr. Page did not know how much buoyancy this pontoon needed in order to perform the work it was intended for, without this tool box, that Mr. Demare says he put on? Do you credit it, that the contract made by Roger Miller with Mr. Page was to build a pontoon with groove and tongue? It is an unwarrantable act for Mr. Ellis and Mr. Demare to interfere with Mr. Page's contract for building this pontoon without letting him know about it. Who is this Roger Miller? The gentleman who gets the contract from Mr. Ellis to repair the overseer's house without any competition, he is the gentleman that dealt in rubber boots to the extent of 241 pairs, and returned two days' extra time that the men did not work, to pay for the boots; but the Government knew nothing about it. You will, by the invoice in the record, see that the average price of the boots was $3.13½, the freight not included, and that he made from 60 to 80 cents a pair on them. I mention this to show that he must have been a great favorite of Mr. Ellis and Mr. Demare on the canal. When Mr. Ellis was addressing the commissioner at St. Catharines he remarked that he understood this pontoon question. When we see the report of the commission we will know how he understood it. I consider that the commissioner gave himself away a good deal there, because he thought when I was gone there would be a fair field to do just as he liked. They did not think of the hereafter. You will notice in the invoice that there are some clogs charged. For what were they required? For a dance or entertainment at the band hall at Port Dalhousie? The people of this country are paying for these clogs to enable some of the employés of the canal to have an entertainment. What else could they be for? All these things, remember, come into the country free of duty. The following is the invoice:—

RUBBER BOOTS.

Date.	No. of Pairs.	Description.	Total Cost.	Per Pair.
1888.			$ cts.	$ cts.
Mar. 26	7	Boots.....	20 63	2 95
do 26	1	do	4 75	4 75
do 17	9	do	28 90	3 22
do 29	2	do	6 60	3 30
do 29	2	do	9 50	4 75
Aug. 8	3	do	11 18	3 73

RUBBER BOOTS—*Concluded.*

Date.	No. of Pairs.	Description.	Total Cost.	Per Pair.
1888.			$ cts.	$ cts.
Aug. 25	6	Boots.....	22 35	3 51
do 16	1	do	3 75	3 75
do 16	1	do	4 94	4 94
Feb. 23	20	do	65 26	3 26
do 23	5	do	28 75	4 79
Mar. 13	6	do	16 53	3 31
do 2	10	do	32 21	3 22
do 2	2	do	9 50	4 75
do 8	7	do	20 63	2 95
do 8	4	do	19 00	4 75
Feb. 8	20	do	66 08	3 30
do 21	1	do	2 47	2 47
Jan. 30	22	do	71 02	3 23
do 4	11	do	34 12	3 10
do 4	2	Light 'A' boots	2 64	1 32
do 4	2	Clogs.....	1 08	0 54
do 19	7	Boots.....	23 13	3 30
.....	43	do	131 15	3 05
.....	1	do	2 55	2 55
.....	1	Light boots...	1 20	1 20
.....	2	Boots.....	2 30	1 15
.....	31	do	83 20	2 69
1887.				
Oct. 10	12	do	30 00	2 50
	241		755 69	Av'g. 3 13½
Feb. 21	6	Gloves..... ...	10 26	
do 21	1	Rubber coat..	2 60	

See pay-list of November, 1888.—J. & R. Miller got paid for rubber boots on repair $55.

November pay-list for 1887.—Paid Rubber Co. of Buffalo for 15 pairs rubber boots, $53.70.

You will see throughout all these transactions that there is a tendency to hide these things from the Government. At the investigation they contended I had no right to look into this matter, because it came under the head of construction, and had nothing to do with repairs. If you will look at Mr. Rykert's pamphlet you will see that he charges me with trying to confuse the commissioner by mixing construction and repairs up altogether. I did nothing of the kind. I like to call a spade a spade. How could it be work done on construction when the water had been in the canal for years? The mitre sills happen to rise up and you bolt them down. Is that construction? No; it is repairs. In examining one of the witnesses whom they had posted before he came in to give his evidence—he claimed that this was work done on construction. I said to him: If you have a coat, and it wears out at the elbows, and you put a patch on it, do you call that construction or repairs? He said: "I would call it repairs;" and he had to admit that the work done on the canal after its completion was repairs. As far as these rubber boots are concerned, I do not hold Mr. Ellis responsible. I am only looking to Mr. Miller, the man who had the contract for building the pontoon, the man who had the contract for repairing the overseer's house and who got it without competition. The employés on the canal did most of the work under these contracts. They concreted the cellar of the overseer's house, they caulked the pontoon, and the Government found the timber and spikes, all of which went to Mr. Miller's benefit, according to the evidence. I have pointed out to you that Mr. Ellis is a gentleman who gets free light and fuel from the gas company for his civility and courteous conduct. What about his courteous conduct to Mr. McDonagh? He said that he gets free gas for his courteous conduct. Such an excuse to cover up this species of bribery, to save the consumption of gas on the canal to the gas company, is rather transparent. We can all see it, and the civil conduct of Mr. Ellis does not cover up that transaction. It is the same thing in building the structures for the manufacturers, and in regard to the testimonial. The idea of Mr. Ellis being courteous or civil to any one who knows him—except when he has something to gain, as in this case—is amusing. I venture to say that the country looses ten dollars for every dollar of advantage that Mr. Ellis gets from the gas company and others to whom he is courteous for favors received. Now, we will see how kind and courteous Mr. Ellis was to poor Nestor, who, as the evidence shows, was unfortunate through sickness and death in his family. He got into debt and was taken before the judge on a judgment summons and ordered to pay $2 a month. Mr. Smith and Mr. Ellis told him that he must pay more or he must leave the canal, and they left orders with R. D. Dunn, the paymaster, that Nestor should pay an additional $5 or $10 a month. Poor Nestor had no broker who could go to the canal employés and get money when he was in trouble, as Mr. Ellis had done. Martin Nestor did not have the power to have Mr. Demare send carpenters to work at his house and get them paid by the Government, as Mr. Ellis had. Nestor did not have Government employés to raise his cabbages and potatoes and have them paid with Government money,

as Mr. Ellis had. Nestor did not receive light and fuel in the shape of free gas, or get a testimonial from the manufacturers for favors past and prospective, but had to stand the tyranny of the man who was enabled to get fat by the receipt of these favors. This is a sample of the conduct of the gentleman who gets his light and fuel free for his civility, and who lords it over the poor lock-tenders such as Martin Nestor. This is the character of the man who has been entrusted by the Government with the management of the Welland Canal. Now, we will have a word to say about his deputy, Smythe, the one that I call his broker. Deputy J. B. Smythe made conditions in employing men to contribute a certain amount towards the payment of the debts of Mr. Ellis—for whom he was acting as broker—by raising loans from the employés, as in Abbey's case; also, in the way of getting teaming done, by sending teamsters on the Canal to do Mr. Ellis' work, such as Chas. Hill and Hamilton Page. Mr. Ellis has Mr. Demare sending Charles Hill, carpenter, to work at his house, and he has Mr. Demare sending laborers to work in his garden, and has their time certified to as if they were working for the Government. Mr. Ellis himself also takes Walter Chatfield to work for three weeks, we paying him at the rate of $75 a month. Mr. Rykert's says that that gentleman of leisure if not working for Mr. Ellis would be making picture frames for himself. Mr. Ellis takes Geo. Nicholson for three weeks to work at his house and the Government pays him say $36. Mr. Ellis takes Lock-tender Bonnewell for twenty days to cook for him, at a cost to the country of $30. Mr. Ellis says he is managing a great public work, and that he alone is responsible to the country for what he does. Mr. Ellis receives money which they call a testimonial from the manufacturers on the canal; and in return Mr. Ellis builds the manufacturers' structures, digs their ponds and keeps their races clear of ice. Mr. Ellis considers it beneath him to consult the Department or the Chief Engineer about Port Colborne dock, but he consults his subordinate, and he builds the Shiner Pond bridge against the report of the Chief Engineer and hides it from the Government. Mr. Ellis receives gas from the gas company for light and fuel and $100 in cash, and gives the company a *quid pro quo* or equivalent, as you may see by the evidence. He pays them back by turning down the gas on the canal to the injury of the trade of the country. Mr. Ellis certified to Mr. Vanderburg's bill for railway fare for $170 a year more than he paid, and he certainly could not help knowing it if he was doing his duty in this. Mr. Ellis certifies to his own livery bill to Foster, and the Government pays it, though Ellis is allowed $300 a year for that purpose. Look at the pay-lists and you will find Ellis' accounts and Vanderburg's with Foster close together on them. Mr. Ellis could not reduce Mr. Vanderburg's account when he was taking more for livery monthly than Mr. Vanderburg. Mr. Ellis certified the Department that William Assell worked on the canal 654 days, when he knew that he did not work a day at that time. The paymaster and clerk knew it also, and that the country paid Mr. Assell $817.50 for work that he never performed. We built Mr. Ellis' house, we raised his cabbages and potatoes, we did his teaming, we built his fences, we built his walks, we find him a man servant, we pay for his light and fuel, at a great cost to the country, and we even black his boots. And what is more, this man who is trusted by the Government of this country—I am almost ashamed to tell it—traded a yard of gravel to pay for $1.50 worth of vegetables, and in trying to hide it produced a false receipt, but got caught. Although he swears the receipt was got a month before he gave Smith the order, look at the date of the receipt and the order for the gravel and you will find they are the same date. That is the size of the man who has been managing, or, I may say, mis-managing the Welland Canal for the last nine years. Can you credit a man who gives such evidence about a yard of gravel and $1.50 worth of vegetables? That is the size of the man who threatened me through the press with an action for libel, and who put the amount of damages at $10,000 for having expressed my opinion of his doings on the Welland Canal. What I said is proven beyond a doubt by the evidence, that these men should be dismissed from the public service. I must now say something with reference to this pamphlet of Mr. Rykert. He must have thought it required a great effort on his part to defend the canal officials. Why should they require any defence at all? Why was it necessary that they should

have a lawyer? Defend them—defend them from what? If they had done their work, if they had discharged their duties properly, why did they want any defence at all from me? Did the Government and the country prosecute them—did they send any one to get at the facts? What was the necessity to employ this lawyer—this Q. C., M. P.—to defend them from my attacks? The Government sent nobody to prosecute—took no part in the investigation, although I must do them the justice to say that they sent me all the papers that I wanted; but that is all the assistance they gave me, and I had none from the commissioner, but I had his opposition, as I will show you by his ruling. Mr. Rykert says in his pamphlet:

"From the commencement I had no idea that Mr. McCallum could lay his finger upon a single act of maladministration upon the part of Mr. Ellis or his employés, or his deputy superintendents, or upon any one single thing which would satisfy you that they would act dishonestly or corruptly."

You can form your own judgment whether the Q.C., M.P., the counsel for the canal officials, is a proper judge of dishonesty and corruption. Does he know what it implies? He says that these charges are "of a stale character, dating back to 1880-81, down to three or four years ago." The hon. gentleman can judge whether they are of a stale character or not. It may be very desirable for some parties engaged in public as well as in private life to clear their slates once a year if it is possible to do so. But such an operation as rubbing off the slate cannot be done even in this world, no matter what one does to cover up his shortcomings. It is an old saying and a true one that "Chickens come home to roost," and it was never more exemplified than in this case of the commissioner, the Q. C., M.P., and the canal officials. The Q.C., M.P., says: "I would not wish to say anything that would reflect upon Mr. McCallum or any other person." Oh, no! Of course that hon. gentleman would not say anything to reflect upon any one, except that he was personally interested, or well paid, as in this case, in which he receives for his services $1,675. He accuses the humble individual now addressing you of showing venom and spite, but that does not apply to me. I was neither pulling wires nor strings, nor working for money, nor to serve any private interest or gratify any personal feeling, but I am one of the five millions of people in Canada, and a member of this Senate, and as far as possible my services, humble though they be, were given and are now given in behalf of the country and good government. I have acted the part of a self-constituted public prosecutor without fee or reward, only having the satisfaction to know that I was working in the interest of the country, and not to serve any personal spite, as stated by the Q. C., M. P. The counsel of the canal officials complained that I received some of my information through anonymous letters. I stated before the commission that I had received information that way, and for saying so I was rebuked by the commissioner, as he did not consider such information of any value. But the information that was received in that way was followed up by me, and I can say to you I found it almost invariably correct in every instance. The people that gave me information were no doubt employés of the canal, and were afraid to sign their names to any letters that they sent me, as it might lead to their dismissal—at least, that is the only way I can account for it. You can draw your own inference. The Q. C., M. P., misquotes the evidence taken before the commissioner, as appears by this pamphlet, circulated, as I must say, to create a wrong impression.

The Q. C., M. P., states in his pamphlet that "Mr. Abbey swore that Mr. Ellis knew nothing at all" about getting this money from Abbey to pay his debts. By referring to Mr. Abbey's evidence you will see that he says nothing of the kind. He swore that J. B. Smith told him that the 50 cents a day was to pay Mr. Ellis' debts; that was when he (Smith) was making the arrangements with Abbey about hiring his horse. The Q. C., M. P., also states that "Smith swears the same thing." Mr. J. B. Smith, the broker, does nothing of the kind. He (Smith) swears that he told Mr. Ellis about a month or a month and a-half after he made the arrangement with Abbey how he was raising the money. There is not the slightest doubt in my mind that Mr. Ellis knew how his broker was raising the money. This pamphlet states that "Mr. Abbey got his money back," but the true answer of Mr. Abbey was that he got it "mostly back." The pamphlet also states that "it was an action away back in 1883," and should never be brought here. As I have said, it is very desirable to clear the slate

every year, but that cannot be done even in this world, and I believe that it cannot be done in the next. People will talk, and people will remember and bring these things home to the offenders. The canal officials and Superintendent should have thought of that. If they had kept that in mind they would have acted differently at the investigation. The commissioner, in speaking about the aqueduct, says there is no evidence to show the canal officials erred in its management; that if they erred at all they erred on the right side. If it is on the right side to drive business away from the Welland Canal and send it through the Erie Canal, the commissioner gives himself away, and he could not have read the evidence before Mr. Rykert brought this question up, or he would not have given himself away as he did. He may want to hedge now if it is not too late. Then, on the gas question, what does he say? "I think it has been so thoroughly investigated, so far as the effect on the canal itself is concerned, the supply of lights and its management, that there can be no possible question to my mind that there is anything to complain of." What do you think of such evidence, and the commissioner who expresses such an opinion? What is his object? Is he acting in the interest of the people of this country? I should say not. Is he acting in the interest of the canal officials? I do not say that he is; I do not say that they paid him one dollar, but they did pay $1,675 to Mr. Rykert to defend them from this old man. The commissioner, with regard to the borrowing of this money, said (see page 1426): "I could fancy such a story as this coming to the ears of Senator McCallum, and I must confess that it created an unfavorable impression in my own mind, as I did not know where it would end;" but mark, hon. gentlemen, he ended this question when he would not allow me to examine Booth, Bradley, Smith and others. Anybody may read the evidence for himself. The commissioner is responsible to the people—if they will take the trouble to read the evidence. I will now give a list of his rulings against me. He rules against me, and allows evidence to be taken about the practice on the canal as to teaming, although he formerly ruled that Mr. McCallum should not be allowed to show that former superintendents on the canal did not get free gas. He did this because he wanted to protect Mr. Ellis. Any one can see how the commissioner, by his rulings, tries to cover Mr. Ellis' conduct. Then the commissioner ruled, in the case of the witness R. B. Dunn, that he would not allow me to prove how much money Mr. Ellis got as testimonial; that was Mr. Ellis' private affairs, but I venture to say that every dollar Mr. Ellis got cost us $10. At page 102, Timmons' evidence, the commissioner ruled out the questions: "Did you give other Superintendents free gas?" "Did you give him anything else?" At page 109: "Do you make it a practice to give every person free gas who is civil and courteous?" Ruled out. At page 123, statement of the gas furnished free, pages 1458 and 1459, the commissioner refuses to allow me to prove a letter that is in the record sent by Mr. Ellis to Mr. McDonagh to be copied by him and sent to Sir Charles Tupper (see page 346). That is the letter in John McDonagh's evidence, that notorious letter written by Mr. Ellis in praise of himself, to be sent to Sir Charles Tupper, as if it came from Mr. McDonagh. At page 1499 in John Bradley's evidence the Commissioner ruled out the question whether witness had contributed any money towards the payment of Mr. Ellis' debts. The question following, by the commissioner, made the witness the judge whether the bargain was corrupt or not. He ruled out the question: "Did you ever tell anybody that you advanced a sum of money that way?" At page 1502, in Richard A. Booth's evidence, he ruled out the question: "Did you give any portion of your horse hire at any time as a loan to Mr. Smith or Mr. Ellis to pay Ellis' debts?" At page 1857, in John B. Smith's evidence, this question was ruled out: "Did you borrow any money from anybody else just in that way to pay debts? Did you borrow some from John Bradley?" The commissioner asked if it was money for any corrupt purpose? In reply I said that he, the commissioner, should be the judge whether it was corrupt or not, that we did not want to make the witness the judge. The commissioner said that Mr. Smith might answer the question if he liked, but he would not insist upon it. Mr. Rykert advised the witness not to answer it. That is a sample of the rulings of the commissioner on the canal investigation. I made up my mind that he did not want any

more evidence on this point of borrowing money from the employés on the canal to pay Mr. Ellis' debts by such private arrangements as those made with Mr. Abbey. He lectured Mr. Smith on misconduct, and I take it from his remarks that their actions in that matter alone ought to be enough to relieve Mr. Ellis and Mr. Smith from performing any further duties for the Government, and should lead to their dismissal from the public service.

At page 1867 the commissioner says: "I can readily understand such a story as I have heard coming to the ears of Mr. McCallum, and I confess that it created an unfavorable impression on me, for I did not know where it would end." The commissioner ended it, as you will see by his ruling, by not allowing me to examine witnesses on the matter.

The hon. member for Lincoln tried to belittle my efforts on behalf of the public in this investigation. He says the amount taken from the public is only $118. He admits a misappropriation to that extent. It reminds me of the excuse of the poor girl who had met with a misfortune, for which she was rebuked by her mistress. "It is true," she said, "but after all it is only a very little one." But in this case, when we come to dress up Mr. Ellis' bantling, we find it to be as follows:—

MEMO.

Mr. Ellis takes to his own use, as proven approximately, Chatfield's services for 3 weeks, as proven by Chatfield's evidence, at $75 per month	$ 55 00
Services of Hartley, acting as man servant for over half of the time, for over 4½ yrs.	1,000 00
Chas. Hill, teaming, as per Morey's evidence	60 00
Chas. Hill, as per his own evidence	16 00
Chas. Hellenus, carpenter, 8 days, $2 a day.	16 00
Hamilton Page, hauling iron fence	1 00
John Sexton, 2 days at $2 a day	4 00
William Hopgood	2 25
Martin MacCormack	1 00
Thomas Bonwell, 20 days	30 00
George Nickolson, carpenter, 18 days	36 00
Detention of scow "Mud Hen," and crew, while taking baggage to station	4 00
Monies certified to by himself, say, horse-hire to Foster, the same being paid by the Government—put it at the low figure of $100 a year, making	800 00
Free gas, and using it for fuel for 4 years, at $150 a year	600 00
Testimonial for his good looks and civility.	600 00
Money collected from Smiley and Dickson for use of pontoon and not accounted for,	38 00
Total	$3,263 25

This is approximately what Mr. Ellis received as his share of the plunder, as shown by the evidence; and I am satisfied that the evidence shows but little of the wrong-doings on the Welland Canal.

This $3,263.25 is the sum that he has had for his own use, without saying anything about what others got. Mr. Rykert says I got annoyed at the *Mail* because they said so-and-so about me. It is true that I showed the *Mail* up; I did not show all that they got, because I did not have an opportunity of doing so: but let us see what the *Mail* did say. They did not want this inquiry to go on; they wanted to throw cold water on my efforts, and said:

"The Welland Canal investigation will cost the country fully ten thousand dollars. Its origin was a series of charges made by Senator McCallum on the floor of the Upper House against the canal Superintendent. When the commission opened its proceedings in St. Catharines, Senator McCallum was invited to establish his charges. He essayed to do so, but without success. Thereupon the scope of the commission was enlarged."

That is false; it was never enlarged, but this was intended to throw cold water on me:

"Instead of being an enquiry into the specific charges, it developed into a fishing expedition. The only persons who profit by the enquiry are the commissioner, the official reporter, and Mr. Rykert.

"No public good has as yet been derived from the investigation, and if, as is probable, Mr. McCallum puts his best foot forward at the early stages of the proceedings, it is apparant that no advantage will be scored in the near future. This observation must be accompanied by the saving clause that the public interests may have been served indirectly by the testimony Messrs. McCallum and Rykert have given touching their own characters as statesmen. Mr. McCallum, during the fits of candor which are produced by his frequent animated controversies with the other side on the subject of the reception of testimony, is wont to fall into an audible contemplation of Mr. Rykert's political record, while Mr. Rykert, in retaliation, gives descriptive accounts of Mr. McCallum calculated to reduce that gentleman, though one of our local peers, to the level of an ordinary Grit."

I would say on behalf of the commissioner that he did not hold back. The *Mail's* article would create the impression that he was profiting by the length of the investigation. I will take the blame of its length. I was there alone, without assistance, and had to examine all the pay-lists for the last ten years. I will say, in justice to the commissioner, that however he may have acted since the 13th November, up to that time he occasioned no delay. Mr. Rykert had two adjournments, which I did not want. I had to come thirty-six miles every Monday morning to attend the investigation. I do not want the commissioner to be answerable for my sins; he

has enough of his own to answer for. Mr. Ellis gets religious sometimes, as long as he can help the church at the expense of the country, but he is very penurious with his own money.

This is what he did for outside parties to gain popularity:

Digging pond and building well at Riordan's paper mill—	
Edward McLaughlin	$ 6 00
Robert Pew	6 00
Robert Brick	6 00
John F. Gibben	6 00
Patrick Dewar	6 00
James Hamilton, looking after work—foreman part of the time	6 00
Derby Dockery	15 00
	$ 51 00
Work done for outside parties—	
William Chandler, at rink	$ 4 00
Walton & Pettigrew, at hospital	8 00
Putting false bottom in scow "Biggar," by Walton and men	12 00
Shiner's Pond bridge	1,000 00
Waste of money in building dock at Port Colborne	3,000 00
Bridge at knitting factory	294 00
Structures on the street railway, such as spoke factory, bridges, &c., the share that the street railway should do	250 00
Building chutes at Neelon's mill, as per Morey's evidence, from second to lower race	495 00
Cutting ice for the last eight years which you have no right to do. I am putting it at $300 a year (no doubt it has cost double the amount; see pay-list)	2,400 00
Loss sustained by his neglect to close the gates at Port Colborne	25,000 00
	$32,463 00
Roger Miller's contract on pontoon (work done by Government men)—	
George Irving, 1½ days	$ 2 25
William Tinline, 23 days	46 00
James Hindson, 12 days	24 00
William Moship, 5 days	10 00
Edward Smiley, 4 days	8 00
Caulking pontoon	80 00
Oakum and pitch	50 00
	$220 25
Miller's contract repairs on Demare's house, say—	
Taking down vault	$ 20 00
Concreting cellar	50 00
Cement and sand	20 00
Digging drains to harbor	20 00
Robert Johnston, painting, 6 days	10 50
	$ 120 50

The following is a summary of the foregoing details:—

Money and labor taken for his own uses—sundries, as per list	$ 3,263 00
Money expended on Riordan's Pond and at paper mill	51 00
Work done for outside parties and money wasted, as per list	32,463 00
Work done by Government men for Roger Miller on pontoon	$220 00
Work done on repairs to Demare's house—Roger Miller's contract	120 50
	$36,117 50
Paid William Assell, for 654 days (that he did not work), at $1.25	817 50
Total	$36,935 00

I should say that a baby of such dimensions is a bouncer, and gives every evidence of having been liberally fed with pap. If you will read the evidence you will get well acquainted with the officers on the Welland Canal and their doings. You will know the storekeeper and his books, and the duties he performs—he that weighs the scrap iron, and does little else but receive his pay and allowance, which is equal to $1,200 a year. You will know the official that keeps the time at Port Dalhousie but lives at Allanburg; who buys a commutation ticket for from $32 to $36, and charges the Government as high as $205, and certifies to the blacksmith's bills, lumber bills, and castings; who carries the accounts on scraps of paper in his pockets, until he sees the persons that furnish the material and puts them in his scratch book. I have seen his scratch book. I have seen, and you can see from the evidence before you, that the deputy superintendent of the old canal pays for liquid refreshments with the Government money, and orders that beautiful paint that the lock-tenders stick fast to, that is good to catch flies; that he collects money from employés on the canal to pay Mr. Ellis' debts, and acts as Mr. Ellis' broker in getting him money and in sending teams to do his work. By the evidence you will become acquainted with the deputy superintendent, Mr. J. C. Demare, president of the Port Dalhousie band. You will know from the evidence produced that he gets Government lands farmed on shares; takes free gas; pays money to himself; sends money through the post office and it is lost; gives Government property free of charge to work at his friend's rubber factory; farms out lock-tenders. He is the modest man that happens to be sick if anything is wrong—such as finding a swamp in his cellar, as happened in the case of Miller's contract. He is the official that wants a

lock-tender to make a false report in order to get his brother lock-tender discharged; who sends carpenters and laborers to work at Mr. Ellis' house, and certifies to their time as if working for the Government; and who sends the scow "Sir John" for stone and cement free of charge for the rubber factory. The stone and cement came through the canal as Government property and was used in the rubber factory. You will know the other deputy, Mr. Dell, the overseer on the canal since 1850, as per his first evidence. But when he was re-called he had to take twenty years off the time. He is the man that wanted old plank, but kept the new ones. You will know the Superintendent, the paymaster and the clerk, who compose the treasury board. The clerk is ordered by Mr. Ellis to put down so many days on the time-list, and the entry is made accordingly, Mr. Ellis certifying to the time as being correct, when he knew that he did no work, and he ordered the paymaster to pay it, and by such conduct deceived the Government, the country paying the money. He, the Superintendent, makes the clerk and paymaster parties to the fraud perpetrated on the public. Is the paymaster an independent officer? If he is not he should be. Why should the paymaster pay the money when he knew that this man Assell did not work? As you look over the evidence you must get well acquainted with the Superintendent, who accepts free gas from the gas company and burns it for fuel; who receives a testimonial from the manufacturers and builds their structures—such as bridges and chutes, and digs their ponds, without any authority from the Department; who built a Custom house and post office at Port Colborne out of canal maintenance without any authority; who constructs a dock at Port Colborne that proves a failure, without consulting the Chief Engineer; who takes laborers, carpenters and gasfitters to do his private work, and they get paid with Government money at the canal office; who charges his horse-hire to the Government, although he is allowed $300 a year for that purpose; who has his own private teaming done by teamsters on the canal and they are paid by Government money; who borrows money from the employés on the canal through his deputy, J. B. Smith; who builds a township bridge with canal funds at a cost of over $1,000, contrary to the report of the Chief Engineer, to please a member of Parliament; who neglects his duty to close the gates at Port Colborne, and occasions a loss to the country of $25,000; who threatens to kick respectable gentlemen out of his office because they do not grant his requests; who gets his fence pickets from the Government yard at Port Dalhousie; who acts so meanly as to pay for $1.50 worth of vegetables with one yard of Government gravel; who put in a receipt signed with a "X" to hide it—this is the gentleman that threatens me with an action for slander for $10,000 for daring to speak about his conduct. He was playing bluff, so to speak. You will know the gentleman that appoints the employés on the canal, that is the Q.C., M.P.; he that is not an informer, but pleads the cause of the canal officials with great ability; he that has been the advocate and would like to be the judge before this case is ended. The commissioner, at page 33 of the pamphlet says, on the increase of $300 to Mr. Demare's salary, that if he, the commissioner, believes the evidence, Mr. Demare deserves the money. Mr. Page says that Demare is "skilful and energetic"—skilful and energetic? Yes; in sending men to work at Mr. Ellis' private residence and returning their time as if working for the Government and the men paid by Government money. Skilful in paying himself money that he ought to pay to the credit of the country; skilful and energetic in giving the use of Government property to his friends free of charge; skilful and energetic in finding a leak under the rubber factory to cover up a corrupt job; skilful and energetic to farm out lock-tenders to work at his friend's rubber factory; skilful and energetic to have men to work on Miller's contract for building the pontoon and returning their time as if working for the Government, and the men get paid by the Government, when Mr. Miller should have paid them; skilful and energetic to send men to work on R. Miller's contract for repairs on overseer's house, and in returning the time as working for the Government, and have them paid by the Government, instead of Mr. Miller paying them; skilful and energetic in getting free gas and making the Government pay for it by having the gas measured in the Government meter and charged to the Government before it goes

to his house; skilful and energetic in trying to get Lock-tender Bradley to make a false report against Lock-tender Millward; skilful and energetic in having his salary increased $300 a year and no Order-in-Council to sanction the increase; skilful and energetic to assist Mr. Roger Miller to speculate in rubber boots to the injury of the country; skilful and energetic to get Government land farmed on shares for his benefit. Yes: this is a skilful and energetic man for his own benefit, but not for the public. The commissioner could not have read or considered the evidence when he was, as I consider, giving himself away to the Q.C., M.P., when addressing him on this point and many others. That, hon. gentlemen, is the most charitable construction that I can put on his replies to the Q.C., M.P., when arguing the case. Or, otherwise, did he think he had got the gag on Senator McCallum and that he could do what he liked, and there would be nothing more about it? In conclusion, I would say that I hope for the sake of my country that there is no other public work in the Dominion that is managed as the Welland Canal is, particularly in the matter of supplies and repairs under Mr. Ellis, Mr. Demare, Mr. Vanderburg, Storekeeper Waite, Overseer Dell and Broker Smith. Anyone that will look at the evidence taken at the investigation can see how that work is managed, although I am free to confess, and give it as my opinion, that the investigation has shown but little of the irregularities in the management and repairs of that important work. We use thousands of dollars worth of iron work on the canal every year, but there is no account kept of it, except what the blacksmith keeps, and of a little cast iron kept by Mr. Vanderburg in his scratch book. If hon. gentlemen will look at the Auditor-General's report and pay-lists for the last three years they will see that we have construction going on all the time—in fact, we have repairs going on, and called construction—and why is this? The only reason I can give for it is that the Engineer-in-Chief has no confidence in the Superintendent, and cannot trust him with any important repairs. Whether this state of affairs is in the interest of the country or not you can judge best. By reading the evidence you will see that from the actions of Mr. Roger Miller in the case of the construction of the pontoon, the repairs to overseer's house and the rubber boots, Mr. Page being there but little to look after them, they take advantage of his absence to advance their own interests to the injury of the country. It was hard to get at the facts. The commissioner looked on me as a litigant from the beginning to the close of the investigation, as any one can see by his ruling out of questions and his lectures to witnesses, even expressing himself that he did not see any harm in Mr. Ellis taking Lock-tender Bonnewell with him to the Lake Shore to rusticate and have a jamboree for twenty days when the country was paying Bonnewell $47 per month. Mr. Ellis, in reply to my letter to the Department last Session, as you see by the *Debates*, says that Mr. Bonnewell paid the man in his place while he was away with him (Ellis); but Bonnewell swears that he did not pay any man in his place, and that the Government paid him (Bonnewell) for twenty days that he was away. He was cooking for Mr. Ellis, and he had another lock-tender helping him. I did not enquire who paid the other lock-tender: the country paid him, no doubt. Mr. Demare gives the Government scow "Sir John" to freight stone to Port Dalhousie for the rubber factory. The stone comes through the canal as Government stone, and pays no tolls—no let pass; and when asked if he charged for the scow or got paid, his answer was that he did not know. He also gives a Government scow to a lock-tender free of charge to freight stone, and the stone comes through the canal as Government stone—no let pass. He also gives steam pump, blocks and tackle, and jack screws for the use of the rubber factory free of charge—at least, there is no return of money collected. He gives diving armor and men free to some parties and in other cases he ties up vessels for refusing his demand until they pay his charges. He farms out lock-tenders to work at the foundation of the rubber factory for six weeks at a time, in order that they can make more money. These two lock-tenders were receiving $47 each per month from the Government.

I said last Session, when requesting an investigation into canal management, that I considered Mr. Demare to be the cause of more trouble than any other man on the canal, and I think that the evidence taken at the investigation has proven what

I said then to be correct. Mr. Demare goes to a lock-tender, James Bradley, and requests him to make a false report against a brother lock-tender, George Millward, on the same lock, and gives as a reason that he wants to put him, Millward, off the canal—that he wants to get rid of him. Lock-tender Bradley's evidence stands unimpeached in every respect. Mr. Demare swears that he did not do so, but his evidence is discredited, and I consider cannot have any force. What do we find to have taken place shortly afterwards. We find that this Lock-tender Bradley was dismissed on some trifling charge which he refuted, but he did not get placed back on the lock, so Mr. Bradley got dismissed because he refused to make a false report about Lock-tender Millward. Bradley warned Millward and put him on his guard. This man Demare pays money to himself that should be paid to the credit of the country —from the schooner "Leighton" $10, from the barge "Hall" $10, and money collected from Smilie and Kelly for use of the pontoon by Capt. Murray, $38. According to C. Smilie's evidence, the men at Port Dalhousie must get well paid for anything in the shape of work. Did this money, the $38 collected from Smilie and Kelly, go to pay for the cement and stone for the band hall at Port Dalhousie? The $38 is not accounted for. Messrs. Murray and Cleveland collected the money, and the evidence shows that Mr. Demare got the material for the band hall from them. The evidence taken at the investigation proves much more than I charged last Session, and shows a state of affairs that should not exist in the management of a great public work. I wish hon. gentlemen to read the evidence and deal out the punishment by the dismissal of these men from the Government employment—what I expected to be done under the circumstances. We cannot expect to get the money back that has been wasted by those managing the Welland Canal, but we can dismiss from the service those found and proven guilty by the evidence. Last Session the leader of the House, Mr. Abbott, promised that there should be an immediate and searching investigation. An investigation has taken place; but, as I have shown, it was not searching or thorough; but enough has been proved to justify the Government in promptly dismissing from the public service the men who have been mismanaging the Welland Canal. I beg to inquire, therefore, what action the Government intend to take on the evidence taken before A. F. Wood, Esq., Commissioner, as to the conduct of the officials on the Welland Canal in the management of that important work.

HON. MR. LACOSTE—In answer to the inquiry made by the hon. gentleman, I have the honor to state that Mr. Wood's report has been received but recently, and has not yet reached the Privy Council.

SAULT STE. MARIE RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (27) "An Act to incorporate the Sault Ste. Marie Railway Company." He said: This Bill asks for authority to build a railway from Sault Ste. Marie to Hudson's Bay, with power also to issue debentures or bonds to a certain amount.

HON. MR. POWER—I am surprised to hear my hon. friend from Quinté asking the House to endorse the principle of this Bill. Do I understand that this railway is to run to Hudson's Bay or to James' Bay?

HON. MR. READ—It says Hudson's Bay in the title, but it says James' Bay in the Bill.

HON. MR. POWER—That makes the matter rather worse.

HON. MR. READ—It is called the Sault Ste. Marie and Hudson's Bay Railway; but it is to construct a railway from Sault Ste. Marie to Moose Factory, on James' Bay.

HON. MR. POWER—Every one who knows anything about that part of the country is aware of the fact that James' Bay is not navigable for vessels of any size, and that it freezes over in the winter, and I really do not think it is right for this House to endorse the principle of such a Bill.

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

OTTAWA, MORRISBURG AND NEW YORK RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (28) "An Act to incorporate the Ottawa, Morrisburg and New York Railway Company." He said: I need not dwell on this Bill, because it has been before this House for three or four years in succession.

HON. MR. VIDAL—I think it right that the attention of the House should be called to the fact that this is a measure which has been twice before the Senate and rejected. I certainly expected that there would have been some information given to the House to-day to guide us with reference to taking it up a third time—that we would have had some explanation of the difficulties being removed or reasons furnished why the former action of the Chamber should be reversed. There is no time now to enter into details, and I do not feel disposed to move a six months' hoist to the Bill, but it is well that the House should know that this is a Bill that has been twice rejected by the Senate.

HON. MR. KAULBACH—Not on the second reading.

HON. MR. VIDAL—Not on the second reading, but on the report of the committee.

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

SECOND READINGS.

Bill (G) "An Act for the relief of Hugh Forbes Keefer." (Mr. Clemow.)

Bill (H) "An Act for the relief of Christiana Filman Glover." (Mr. Sanford.)

Bill (I) "An Act for the relief of David Philip Clapp." (Mr. Clemow.)

Bill (22) "An Act to amend the Act to incorporate the Belleville and Lake Nipissing Railway Company." (Mr. McKindsey.)

Bill (21) "An Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company." (Mr. Clemow.)

Bill (14) "An Act respecting the Port Arthur, Duluth and Western Railway Company." (Mr. MacInnes, Burlington.)

Bill (20) "An Act respecting the Goderich and Canadian Pacific Junction Railway Company and to change the name to 'The Goderich and Wingham Railway Company.'" (Mr. Macdonald, B.C.)

THE SENATE STATIONERY.

MOTION.

A Message was received from the House of Commons asking that the officials of the Senate in charge of the stationery be permitted to give evidence before the Public Accounts Committee.

HON. MR. LACOSTE—I believe this is a very important question. It has to be considered, and I move that the Message be taken into consideration on Wednesday next.

The motion was agreed to.

The Senate adjourned at 6 p.m.

THE SENATE

Ottawa, Tuesday, February 25th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbors, without amendment, were read the third time, and passed:—

Bill (J) "An Act respecting the Great North-Western Railway Company." (Mr. Clemow.)

Bill (13) "An Act to amend the Act to incorporate the Alberta Railway and Coal Company." (Mr. Girard.)

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (A) "An Act to amend the Railway Act," without amendment.

HON. MR. McCALLUM moved that the Bill be read the third time presently.

HON. MR. OGILVIE—I move that the Bill be not read the third time presently, but that it be read the third time this day six months. My reasons for moving the six months hoist are various. In the first place, for a great many years a number of amendments were made to the Railway Act. These amendments were consolidated a few years ago, and we thought we had an Act that was pretty nearly perfect; but I suppose, like all legislation framed by mankind, the Railway Act is not perfect. Nevertheless, if it is not perfect, I do not think that the members of this House, when they look into this matter thoroughly, will pass the Bill that is now before us. In the first place, it is the business of the Government to attend to such matters. We have the Railway Committee of the Privy Council, who are perfectly able to take hold of this kind of work and ready to do it; and I am informed on the very best authority that there are no complaints against the working of the Act on the part of our principal railways. If this Bill is passed in the shape in which it is now—we passed it last year, but it was thrown out in the other branch of Parliament—it will simply cause a good deal of trouble to the railway companies from those who may happen to have ill-feeling against them—either by individuals making complaint to the municipality or by the municipality applying to the Railway Committee of the Privy Council, and putting the companies to a great deal of trouble without accomplishing any good. The principal feature of the Bill relates to drainage. It provides that municipalities or individuals shall have the power to compel railways to make culverts through their roads wherever there may appear to be reasonable ground to do so. Now, culverts are all very well where they are absolutely necessary to carry off the water, but the municipalities take care that the railway companies provide culverts when they are building their lines. A great many railway accidents arise from the fact that culverts, either from the nature of the soil or other causes, sink after freshets. The water carries away the earth from the culvert and the road-bed subsides two or three inches. The rails spread, a train goes over the bank, and we never hear of the cause of the accident, because railway companies are disinclined to give details of accidents. I am informed on the best authority that a very large number of railway accidents have happened from the cause I have mentioned. I do not think that we want to put into the hands of individuals or municipalities the power to cause an extra amount of danger to passenger traffic. Besides that, we have spent in Canada a great many millions of dollars and granted large tracts of land to get railways, and now we are asked to pass a Bill that may do the railway companies as much harm as we have done good by our money and land grants to the companies. Any person who will take the trouble to look into the Bill thoroughly, and into the Railway Act, will see that we have all the legislation that is necessary at present. If any amendment is required, the proper way to get it is to appeal to the Government to amend the existing law, and not pass new Acts that may not be workable and certainly will be a source of annoyance to the railway companies, without doing the country any good. The Railway Committee of the Privy Council is as good a safeguard as could be provided. It is more anxious to look after the interests of the public than the interests of railway companies, because it is amenable to the public. To say the least of it, if this legislation is not vicious it is certainly unnecessary, and we should be very careful how we go further with it. I hope the good sense of this House will be opposed to this Bill. Year after year it has been introduced, only to be thrown out in the other branch of Parliament. I feel very strongly on this question, because I took some trouble about it last year and have given it some attention since then, to find out whether there was any serious grievance or complaint. The engineers of the principal railway companies within the last ten days have told me that they had not a single complaint that they knew of, and that in case any such complaint should arise they are particularly anxious to attend to it as quickly as possible, as it is in their own interest to keep on good terms with the inhabitants through whose country they pass. These are the reasons why I have moved the six months hoist, not in a spirit of opposition or obstruction at all, but in good faith, and I have hopes that it will be carried to-day.

HON. MR. O'DONOHOE—Last year I was rather favorable to this Bill, but on

listening to the arguments against it to-day I changed my mind. The hon. member from Sarnia asked the promoter of the Bill whether any demands came in from the public for a Bill of this kind. There was no answer but one, and that one answer contained 1,100½ reasons which confirmed me in opposing this Bill. These 1,100½ reasons given by the promoter of the Bill were that he had that many acres of land that the railway drained to some extent for him, but did not drain to the extent that he thought he was entitled to, and I concluded that such a Bill as this, without any complaint made against the railways by those who lived in their vicinity, was unnecessary. If my hon. friend had not owned 1,100 acres of land which required more drainage, I do not think that this Bill would have come before the House. I am not in favor of a Bill which tends to unsettle an established Act of Parliament for the benefit of any individual. It is rather hard to advert to such a matter, especially when the Bill is introduced by an hon. gentleman whom I look upon as a friend, and with whom I never had anything disturbing or annoying; but when no other reason can be given to this House but the one I have mentioned for the introduction of this Bill, I think it is not a sufficient ground to ensure my support of the measure. There is already a forum to which people can go if they are at all injured through failure of the railway companies to perform their duties. Those who are injured can go to the Railway Committee of the Privy Council, and they have their surveyors and engineers and means of deciding those questions. If we leave such matters to be dealt with by the municipalities we throw upon the railway companies a most complex and disagreeable duty. The municipality is composed of one set of men to-day and another set of men to-morrow, and if we bring the railways within their power we throw on the railway companies a burden both vexatious and troublesome. Unless there is a good reason in the public interest for bringing in Bills interfering with established Acts, I hold that it is a bad practice to adopt such legislation. Where an Act is established and has been found satisfactory for years it should not be repealed or amended unless there is a demand for legislation in the public interest. For these reasons, I shall vote for the six months hoist.

HON. MR. POWER.—I should be disposed to take the same view as the hon. gentleman who has just spoken. If there was no demand for this Bill, then probably we might be moving too rapidly to pass it; but the hon. gentleman could not have been paying attention to what took place at the Table of the House, or he would have heard a petition in favor of this very measure read here within the last few minutes. I am also informed, on the very best authority, that petitions which have been signed in nearly all the counties of the Province of Ontario are now finding their way before the other Chamber, and that more of them will get there within the next day or two. The probabilities are that the people interested in this matter did not think it necessary to present petitions to the Senate, because this House last year passed this Bill by an almost unanimous vote. Consequently, I do not think there is very much in the objection raised by the hon. gentleman from Toronto. That hon. gentleman was a little facetious, at the expense of the promoter of this Bill. He said that there were no grievances suffered by anyone, and no reasons put forward in favor of this Bill, except the 1,100 of the honorable introducer. I do not believe in personal legislation. It is objectionable; but, if it happens that the gentleman who introduces the Bill suffers in common with a number of his neighbors from the unsatisfactory condition of the law, that does not render his connection with the measure objectionable. The hon. member from Monck is not alone in this matter, and his case is the case of hundreds of others who have signed these petitions, one of which has been presented to the Senate and several to the House of Commons; and further, my own feeling is that it is not well to discuss in the House everything which takes place in the Committee. The hon. gentleman from Monck did not give the fact which has been put forward by the hon. member from Toronto as the principal reason why the Bill should pass. He said there were scores of people throughout Ontario suffering from the want of this Bill, and mentioned some townships in which there were a number of instances, and then added: "I am one of the sufferers myself." Was there anything wrong or improper in the connection of the hon. gentleman from Monck with

this Bill under the circumstances? I think we should dismiss these 1,100 reasons at once from our minds and deal with the Bill on its merits. The hon. gentleman from Alma division said that one of the fundamental reasons why this Bill should not pass was that it was a Bill which amended the Railway Act; and he said we have amended this Railway Act several times, and we think we have got it nearly perfect now and should leave it alone. It has become now, in the opinion of the hon. gentleman and I presume in the opinion of a number of other hon. gentlemen who are interested in railways, nearly perfect, and we should let it alone, and for the future it must be like the laws of the Medes and Persians, but it happens that in the opinion of the petitioners who have come to this House and the House of Commons, and of many who have not signed the petitions, the Railway Act is not perfect now; and I should like to ask the hon. gentleman from Alma why we are here? It is not chiefly to take care of the railway companies, for they have generally taken very good care of their own interests, and we have taken care of their interests in the legislation which has been passed; but our business is to take care of the people at large. We represent them. They are not represented by counsel and by influential boards of directors, and we are supposed to represent them. If it is found that, looking at the interests of the public, the Railway Act is not quite perfect, then it is our duty, representing the public, to make the Act more perfect, if possible. There is not the slightest objection to altering the law, if we make the law better. That is what we are doing every year. What is our Statute book every year but simply an illustration of the fact that the laws have not been perfect, that we are trying to make them better. I think the Railway Act would bear amendment in other particulars besides that before the House; but I think this Bill—which, by the way, is largely the result of the painstaking efforts of the hon. gentleman who led this House last Session—is a great improvement in the law. The hon. gentleman spoke of it as being the business of the Government to introduce such a measure; but it is not the business of the Government to do all the legislating. We are here to represent the people and to legislate; and, when we are satisfied that amendments to the law are necessary, the Government have no right to dictate to us as to what we should do. Of course, if legislation that is proposed by any member of this House is repugnant to common sense, or calculated to be injurious to the public interests, then the Government will have no difficulty, if they are hostile to it, in securing a majority to defeat it; but, if the legislation proposed by a member of this House is in the public interest, I think it would be very much to the discredit of this House if they should reject that legislation, simply because the Government do not happen to fancy it. But, in the present instance, I do not understand that the Government are hostile to the proposed legislation. The hon. gentleman from Alma says that we have a Railway Committee of the Privy Council, and if there is anything wrong about the law they can make it all right, but the Railway Committee of the Privy Council cannot alter the law; they simply act under the law. The hon. gentleman, at a later stage, undertook to say that the present plan of doing things was quite satisfactory—that the Railway Committee of the Privy Council would look after the public interest in every case. That may be perfectly true where the country affected is in the vicinity of the capital; but it is not true as to more remote portions of the Dominion. It is all very well for the hon. gentleman to talk about coming to the Railway Committee of the Privy Council; but suppose a difficulty arises in British Columbia, it is a very serious thing for a municipality to send a delegate or professional man all the way to Ottawa for the purpose of presenting their view of the matter before the Railway Committee of the Privy Council. It is not difficult for the railway company, because the railway companies, as a rule, have their solicitors on the spot. There is no gentleman here who has so little experience as not to know that the idea of any private individual or any poor municipality undertaking to go into litigation with a powerful railway company is almost absurd. It means entering upon interminable litigation. The hon. gentlemen who are opposed to this Bill have not put the matter fairly before the House. Their speeches leave the impression that the Bill enables municipalities to worry and annoy railway companies. If any hon.

gentleman will take the trouble to read this Bill through he will find that it does not empower municipalities to do anything of the sort. As it is now, the municipality can bring the railway company to Ottawa. Under this Bill, the municipality in the first instance gives the company notice that, in the opinion of the municipal council, there should be a culvert at or near a certain point on the line. I dare say that in most cases the railway company, when they come to look at the matter, will be satisfied that the municipal council is right, and there will be no more litigation or trouble about it; the railway company will put in the culvert. If, on the other hand, the municipal council happen to be unreasonable in their demand, then the railway company, under this Bill, can go to the Railway Committee of the Privy Council, and if the demand of the municipality is unreasonable, that committee will not grant it. I think the rights of the railway companies are amply protected. Further, this Bill does not apply to cases where the expenditure involved will be large. It only applies to cases where the expenditure will be under $800. I fail to see how the Bill can injure seriously any railway company; and I do not see any serious objection to it all. The hon. gentleman from Alma division, with great impressiveness and with a certain mystery of manner, intimated that he had from the very best authority information that a large number of railway accidents occurred from defective culverts. My own impression is that if such is the case it is little to the credit of the railway companies. It is their duty to construct the culverts in a workmanlike manner, as they construct the remainder of their roads. If the road is not properly ballasted or the sleepers are too old accidents will happen just as readily as from inferior culverts; and it is the duty of the railway company to have not only the culverts but the sleepers and track in a proper condition.

HON. MR. OGILVIE—They can see one; they cannot see the other.

HON. MR. POWER—It is the duty of the track-master to examine the culverts as well as the track. The hon. gentleman spoke as though the effect of this Bill would be to increase the risk of accident.

HON. MR. SCOTT—Hear, hear.

HON. MR. POWER—I hear indications of approval of that sentiment from the hon. member from Ottawa. I think both these hon. gentlemen know enough about railways to be aware that all accidents which happen from too much water are not from the falling in of culverts, but that washouts often happen, and that they are likely to happen, because there is not any culvert and no outlet for the water. A washout is just as likely to happen from that cause as from the falling in of a culvert. The hon. gentleman from Alma division spoke as though we were under a very great obligation to the railway companies here.

HON. MR. OGILVIE—No; I did not.

HON. MR. POWER—It may be that a number of these railway companies have gone into the business of railway construction from purely philanthropic motives, but I do not know that any one has seriously alleged that. If the railway companies have benefited Canada, they have, as a rule, benefited themselves; and, at any rate, if we have railways in this country, if we subsidize railway companies and give them important privileges, is it not for the benefit of this country? We do not do that for the benefit of the railway companies, but in the public interest. There is not the slightest doubt that, when a railway runs through a country where there is a large fall of water, it is necessary that there should be culverts at reasonable intervals, and that is about all that this Bill provides—that the railway company should not unreasonably refuse to make culverts. If a municipality out in British Columbia, or down in the Island of Cape Breton, finds that the water has been dammed back on the lands of the farmers by the railway, the railway company feel that they can, to a certain extent, defy these people, because they are not likely to come to Ottawa to the Railway Committee of the Privy Council, and the railway company calculates on that. The argument was used that the Bill had been thrown out in the House of Commons last year, and therefore we should not pass it again. I think that is a most extraordinary doctrine. We passed it here last year almost unanimously; it went down to the other House at a rather late period of the Session; it was defeated there—not in the House, but in the Railway Com-

mittee—largely because the members of the Railway Committee did not understand the exact nature of this Bill; they were misled—I do not mean to say deliberately misled—but misled by statements like those made by the hon. member from Alma to-day. The impression was left on their minds that this was a measure which placed the railway companies in the hands of any ill-natured individual. That is not the case. There is one fact which the hon. gentleman has not adverted to, that in his own Province the substance of this Bill is law to-day; and the hon. gentleman gets up here and says that a law which is good and beneficial, and in the public interests of the Province of Quebec——

HON. MR. OGILVIE—I did not say so.

HON. MR. POWER—That is practically what the hon. gentleman says.

HON. MR. OGILVIE—Do not put words into my mouth; you have been doing so ever since you rose.

HON. MR. POWER—I simply give the substance of what the hon. gentleman's argument is. The substance of this Bill is law to-day in the Province of Quebec, under the Consolidated Statutes of Old Canada, and under the Code of Quebec; and the hon. gentleman, representing a division of the Province of Quebec, rises here and asks us not to extend this law, which is, as I said, useful and beneficial and proper in Quebec, to the whole Dominion. I hope the House will not, after having passed this Bill almost unanimously last year, and read it the second time this year without any division, at the last stage stultify itself by throwing it out to-day.

HON. MR. VIDAL—I do not think my hon. friend from Halifax has seen the arguments that have been advanced against the passage of this Bill. I concur very largely in the statements made by the hon. member from Algoma, with reference to there being no necessity for this Bill, and I think there is also some very serious question whether it would not be injurious rather than helpful to the public interest. My hon. friend spoke as though we, in this House, were in a very especial manner the representatives and guardians of the people's rights. I trust we are so. Although not directly responsible to the people in the positions we hold here, I believe every member of this House has a sincere and earnest desire to advance the general interest of the community, and guard private interests—just as much so as members of the other House. But a contrast is drawn between our position and that of the Railway Committee. I hold that it entirely fails.

HON. MR. POWER—I did not draw any contrast at all.

HON. MR. VIDAL—The hon. gentleman certainly drew the contrast most decidedly—that we were responsible, but that the Railway Committee was not responsible.

HON. MR. POWER—I did not say anything of the sort.

HON. MR. VIDAL—I understood the hon. gentleman to say so. I am very glad to hear I was mistaken. I think that the Railway Committee is more responsible to the people than even this House is, and I think that the Railway Committee in all their past acts have shown a strong desire to maintain the interests of the public, even against those of the Railway Committee. In the committee a reference was made to a question which I put to the promoter of the Bill. I should like to explain to the House my motive for doing so, because on it hangs the only question which we ought to decide. Is this a Bill that ought to carry in this House? In the committee we had the advantage of the presence, the information and the advice of an experienced lawyer, a gentleman who has had great legislative experience both in the Provincial and Dominion Legislatures, who has had a great deal to do with railway legislation and railway cases in the country, and who was himself for a time a member of the Executive, having authority over these things. He told us, and stated most distinctly, that the present law meets every requirement which is supposed to be met by the Bill that is now before the House. That is a very important statement—that everything which is attempted to be obtained by this Bill now presented to the House is already attainable by proper process under the existing law. That led me to ask the question where this law failed, and I asked the promoter of the Bill: "Can you name to me a single instance where the

present law has been found insufficient to meet a case of this kind?" I wanted to know whether there was any truth that additional legislation was needed. I got no answer to that question. A long address about generalities was, of course, delivered, and a statement made about these petitions. Hon. gentlemen know what these petitions mean. It is not difficult to get petitions signed when they are presented by influential persons, and especially when they ask for increased privileges and powers, as these do, for the municipalities. But I hold that these petitions are no proof, such as the House requires, of any public demand for a change in the statute. We want proof that the statute has failed in any case. That proof has not been brought forward in a single instance. I think in the Bill itself there are elements of what will probably lead to confusion and litigation. For instance, very large power is given under this Bill to the municipalities. Now we all know what municipalities are composed of: they are, no doubt, intelligent men, but they are not familiar with engineering questions, and yet they may pass resolutions and impose restrictions which this House is not cognizant of, and the railway companies will be brought under these restrictions, however absurd or injurious they may be. Surely that is something that should not be done. We ought not to delegate power to municipal bodies—excellent bodies, no doubt, but not possessed of the knowledge and information which would enable them to legislate for the country and control the railway companies. I think that is an element of danger; but my main objection to the Bill is that it is unnecessary, that it interferes with the statute now on our books, which it is a great deal better to keep intact. I am persuaded, if the promoter of the Bill and those working with him could show to the Railway Committee a single instance in which a thing of this kind had been sought and refused, which should have been granted, they themselves would take care that the law should be so amended that it should not occur in the future. This is one of the Bills which ought to be admittedly under the special care of the Government. I think the Railway Act which we now have—while, of course, it is susceptible, as any human legislation is, of improvement and amendment—works satisfactorily, and that any improvements and amendments that may be required should only be obtained when a necessity for them is made apparent, and when that necessity has been properly brought before the Government.

The Senate divided on the amendment, which was rejected by the following vote:—

CONTENTS:

Hon. Messrs.

Almon,	Lacoste,
Armand,	Montgomery,
Baillargeon,	Murphy,
Botsford,	O'Donohoe,
Cochrane,	Ogilvie,
Girard,	Prowse
Glasier,	Scott,
Guévremont,	Smith,
Howlan,	Vidal.—18.

NON-CONTENTS:

Hon. Messrs.

Archibald,	McInnes (B.C.),
Boucherville, de,	McKay,
Boulton,	McKindsey,
Casgrain,	Macdonald (B.C.),
Chaffers,	Macfarlane,
Clemow,	Merner,
De Blois,	Miller,
Dever,	Pâquet,
Grant,	Perley,
Haythorne,	Power,
Kaulbach,	Read (Quinté),
Lewin,	Reesor,
Lougheed,	Reid (Cariboo),
McCallum,	Sanford,
McClelan,	Stevens,
McDonald (C.B.),	Sutherland.—32.

HON. MR. SCOTT—I wish to say one word to remove a serious misconception from the minds of some hon. gentlemen. It is conceded that the Railway Committee have the widest possible power. The argument that has been used is that it is unfair that municipalities in remote parts of the country should be obliged to come to Ottawa or be represented before the Railway Committee of the Privy Council in order to obtain what they consider fair and equal justice. Now, I beg to assure hon. gentlemen that I am not aware that the Railway Committee have ever required a municipality to be represented here. One hon. gentleman who spoke in support of the Bill said, by way of illustration: Suppose a grievance arose in British Columbia, would it not be reasonable that the party or municipality making the application should be obliged to attend here or be represented by counsel. Now, it just so happens that, either at the last meeting of the Railway Committee, or the meeting immediately preceding that, an application

came from the municipality of New Westminster. They were very much opposed to the work that was going on there by a railway company, and a fierce contest arose between them. The railway was ably represented on this occasion by counsel, but the municipality was represented by nothing else than a letter; yet the Railway Committee decided in favor of the municipality, showing that the idea that it is necessary to be represented at Ottawa is entirely erroneous. The Railway Committee of the Privy Council are exceedingly careful to guard the rights of those who are not represented—much more careful and cautious than if those rights are represented by counsel. With a knowledge of that whereof I am speaking, having considerable experience in these matters, all I can say is that to settle a grievance of this kind—an application for a culvert or deepening a drain—it will involve very much less time and labor to make application to Mr. Trudeau, Secretary of the Railway Committee of the Privy Council, than to apply under this Bill, and I do not think it is likely that a solitary case will arise under this Bill in the next ten years.

HON. MR. POWER—Then why oppose it?

HON. MR. SCOTT—Because it is a disturbing Bill. Under the existing law, if any grievance arises it is a very simple matter to communicate with Mr. Trudeau and have it dealt with by the Railway Committee. There is an officer whose duty it is to attend to such matters—Mr. Ridout—and he is constantly travelling over the country from the Atlantic to the Pacific to inquire into just such cases, and I think one could fairly throw out the challenge that an authenticated case of hardship under the Railway Act as it now exists cannot be pointed out. Is it wise or prudent that we should throw on the country a Bill of this kind? It either has a meaning, or it has not a meaning. It is a Bill that is difficult in its intrepretation and would be a prolific source of litigation. It must be patent to hon. gentlemen when they read it that in every case under this Bill the parties will still have a right to appeal to the Railway Committee, and they have all this complicated machinery, in the first instance. The railway companies will probably resist a Bill of this kind. They do not think it reasonable; they do not think it is demanded or necessary. They will simply dispute the propriety of putting a culvert in a particular place. Then, after the plans have been prepared, the municipality appealed to and the order made, they will come to the Railway Committee of the Privy Council, where the question will have to be finally decided, because there is a clause in this Bill which gives either party the right to appeal to that tribunal. It is a very simple matter to communicate by letter with the Secretary of the Railway Committee of the Privy Council to question the propriety of putting a culvert at the point indicated. The Railway Committee still has to deal with it. You will impose all that trouble by the machinery provided in this Bill, and give these imaginary powers—because, after all, they ar only imaginary—to the municipality, when they can accomplish nothing by means of them.

HON. MR. KAULBACH—I am very much surprised to hear my hon. friend saying that the railway companies are so arbitrary and despotic that they will resist a demand, whether reasonable or unreasonable. I do not suppose what I am saying will have any effect on the Bill, because the House has given its decision. The hon. gentleman mentions one case where a railway company was defeated on an application to the Railway Committee of the Privy Council. It shows how arbitrary the railway company must have been to let the case come before that tribunal when there were no grounds for resisting the demand. Under the Bill the Railway Committee are judges, but only in certain cases. The hon. gentleman from Ottawa says that a case can be fairly and reasonably discussed and decided with the counsel for the railway company there to press the claims of the railway and nobody present to represent the interest of the other side; but I do not think there would be the same probability of having a proper decision as there would be under this Bill. I contend that the proposed legislation is in the interest of the country, and there will not be any dispute between the railway companies and the municipalities. This will prevent rather than cause dissensions in the country. It will in many cases improve the railway tracks;

because, as my hon. friend from Halifax has shown, there are more accidents caused by the want of culverts than by the existence of such structures. If a culvert breaks down it shows that there has been bad engineering. Most of the damage I have seen on railways—and I have travelled on a good many—have occurred from washouts because there were not sufficient culverts. I consider the Bill is in the public interest, and the public interest should be considered in a matter of this kind. When we talk about millions of money spent on railways we know that the expenditure has been for the public benefit. The public should be considered in the matter. The railway companies are quite able to take care of themselves.

HON. MR. ALMON—I do not think it is much use shooting a dead Indian, but if this Bill is wanted very much it is very unfortunate that it only applies to the older Provinces. In the North-West they have no municipal councils, and therefore that part of the Dominion cannot derive any advantage from this Bill. They must require drainage in the North-West, and if this measure is so absolutely necessary, why does it not apply to the Territories as well as to the older Provinces? I say that culverts are a cause of serious danger on railways. Accidents happen every year from culverts weakening the bed of the railway. In Nova Scotia a number of railways are cut through solid rock. Say a municipal council, whose members, as my hon. friend from Sarnia says, are no doubt very good men, but not engineers, and certainly not familiar with hydraulics—decide that a hole must be made through such an embankment, this Bill empowers them to call in, not an engineer, but a land surveyor.

HON. MR. READ—He can take the levels.

HON. MR. ALMON—Yes; he can take the levels, but you would not think of employing a land surveyor to build a railroad. My hon. friend might like to travel on a line constructed under such an engineer, but I would not. Very often, as I have said, the railway lines pass through solid rock, and this surveyor says that a culvert must be made. It must be done by blasting the rock. You can easily understand if a rock is blasted what the effect will be. The sleepers will be raised and the rails put out of order, and in all probability accidents will happen. There is a railway in Nova Scotia which my hon. friend, the senior member from Halifax, may remember was called the "Grit Railway." It was built from Yarmouth to Digby, and was to be finished by a certain time. It was stated by some—though I did not see it myself—that the bed of this road was built of brush-wood, with frozen earth thrown over it. Fancy what the effect would be if culverts were put through such an embankment! It would have gone to pieces. As we are talking about many things, I will compliment the hon. member from Sarnia on having discovered that petitions are easily got up and do not amount to much. There was a time when he thought differently. When this House was flooded with petitions in favor of the Canada Temperance Act he thought they were an indication of public opinion, but now he thinks they do not amount to anything.

HON. MR. LOUGHEED—I move that the Bill be not now read the third time, but that the same be amended by adding the following to the seventh clause:

Where in any Province or Territory a railway passes through a tract of country which has not been erected into a municipality, the Lieutenant-Governor in Council, of such Province or Territory, shall, for the purpose of this Act, be substituted for a Municipal Council.

The words The Lieutenant-Governor in Council, so far as this Act relates to the North-West Territories, shall mean the Lieutenant-Governor, by and with the advice and consent of his Advisory Council.

I may say, in justification of this amendment, that the principle of the Bill appears to contemplate giving certain advantages to the Provinces, but the construction of the measure is such that it cannot be made applicable to the North-West Territories by reason of the fact that the greater portion of the Territories has not been erected into municipalities. There are, however, few rural municipalities in that vast country. There are some urban municipalities adjoining the line of railways, but very few rural municipalities. There is a general aversion in the North-West to municipalities, owing to the fact that we have excellent roadways there, and we do not want to incur taxation which municipal government would involve. There is no reason why the advantages which this Bill proposes to offer to the Provinces should not be extended to the Territories.

It is no argument to say that there are no municipalities in the North-West Territories. The same want that demands the passage of this Bill in the Provinces exists in the Territories, and consequently I submit that a provision should be made to extend the advantages contemplated in this Bill to the Territories. The contention can scarcely be admitted to be a strong one, that municipalities can deal more ably with the provisions of this Bill than the Lieutenant-Governor, with the advice and consent of his advisory board. The rights of the railway company will be quite as much guarded by the Lieutenant-Governor and his advisory board as they can be by the municipalities. I am not casting any reflection on the ability displayed by the municipalities in dealing with such questions as this; but certainly railway companies can thoroughly depend on this fact, that they will receive as much consideration, and as much ability will be displayed by the Lieutenant-Governor as by any municipality in dealing with these cases. Therefore, I hope there will be no objection to the amendment.

The motion was agreed to, and the Bill, as amended, was read a third time, and passed, on a division.

NAVIGATION OF THE RED RIVER.

ENQUIRY.

HON. MR. SUTHERLAND rose to inquire—

Whether it is the intention of the Government, at an early day, to supplement the improvement of navigation about completed at the outlet of the Red River, into Lake Winnipeg, and that by also improving that part known as the St. Andrew's Rapids, which will materially enhance the improvements already made?

He said: I will briefly refer to the advantages of the navigation of the Red River in the early settlement of the country, and show that it still continues to be advantageous to the people of the North-West, as it was in the early days. Although we have railways in the neighborhood running parrallel with the river, in some parts there are sections of the country where the railways do not touch on the river. To give some idea of the immense value of the river, I may be permitted to state the distances which are navigable. There were originally two obstructions to the navigation of the Red River. One was at the mouth of the river near Lake Winnipeg. That obstruction, I believe, has been about removed. The other, to which my motion more particularly refers is St. Andrews Rapids. These two obstructions were originally the only serious barriers to the navigation of the river. The St. Andrews Rapids are about thirty-five or forty miles south of the mouth of the river, and from that point to the international boundary the navigation is not seriously interrupted, so that St. Andrews Rapids are the only obstruction in the river at present. Some few years ago, the Red River was our only channel of commerce. Immediately after Manitoba was made a Province of Canada our whole traffic was carried down the Red River through the United States. Most hon. gentlemen are aware of the fact that the Red River is the boundary line between Minnesota and Dakota, and that the river is navigable for some 300 miles south of the boundary line. There is some local traffic still on the river, with the prospect that it will be increased. Therefore, I think it is very desirable that the St. Andrews Rapids, the only existing obstacle to the navigation, should be improved as early as possible. I say as early as possible, because we have had very dry seasons for the last three or four years especially, and I expect that the next season will be equally dry. There is no doubt that any work undertaken for the improvement of these rapids could be done much cheaper during the incoming season than probably for some time afterwards, because I think we are entering upon wet seasons again, and we may expect that the water in the river will be higher in the future. There are several saw-mills on the shores of Lake Winnipeg and on the islands, and there is a very considerable amount of timber and lumber brought to Winnipeg by way of the Red River. Of course, they are obliged to break bulk at the rapids. The best building stone we have in all the Territories—granite, sandstone and limestone—can be had with very little trouble along the shores of the islands, as well as along the shores of the lake itself. I therefore ask the question which appears on the Order Paper, and I hope to receive a favorable reply.

HON. MR. LACOSTE—In answer to the inquiry made by the hon. gentleman from Kildonan, I have the honor to state that

that subject is engaging the attention of the Government now.

BILLS INTRODUCED.

Bill (45) "An Act to incorporate the Tilsonburg, Lake Erie and Pacific Railway Company." (Mr. McKindsey.)

Bill (23) "An Act to incorporate the Belding, Paul & Company (Limited)." (Mr. Ogilvie.)

IMPROPER USE OF WEAPONS BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (B) "An Act respecting the improper use of Fire-arms and other Weapons."

(In the Committee.)

On the 2nd sub-section of the 1st clause,—

HON. MR. KAULBACH said: This sub-section gives to the magistrate a great deal of power. He may grant an exemption to extend to any part of the Dominion of Canada. It seems to me that the power should not extend beyond the Province in which he is appointed to act. The hon. gentleman who leads the House might look into this matter.

The clause was adopted.

On the 2nd clause,—

HON. MR. READ said: It has been suggested to me by a gentleman in the other House that provision should be made against selling ammunition to boys. A case which occurred in St. John was mentioned, where a boy had found a pistol and bought ammunition and shot another boy on a wharf. I move that the words "or any ammunition therefor," be added after the word "air-gun."

The motion was agreed to.

HON. MR. ALMON—I should like to add to that, "or any toy pistol with fulminating caps." I have known in my practice two cases of accidents occurring through the use of such toys. Boys put stones in these toy pistols, and fulminating caps have sufficient explosive force to do considerable damage.

HON. MR. POWER—The first clause of the Bill, I think, covers the ground reasonably well. It covers any kind of weapons that is calculated to do mischief, and there is no reason why we should ruin the trade of people who deal in toy pistols.

HON. MR. DICKEY—The first clause of this Bill is applicable to the case of a person who is found with a pistol on his person. This clause is intended to reach the person who sells. It is a good provision.

HON. MR. POWER—If an instrument is harmless, why should it be prohibited?

The committee divided on the amendment, which was rejected.

HON. MR. O'DONOHOE—It seems to me a clause should be added to this Bill, requiring merchants who sell pistols and air-guns to keep a record of each sale, giving the name of the purchaser, the date of the sale, and the number or other mark of the weapon, so that it could be identified. Very frequently such a record would be of service in the detection of crime. It would cause very little trouble to the merchant to register these sales.

HON. MR. DEVER—What would prevent a person who bought a pistol from transferring it to another?

HON. MR. O'DONOHOE—This record would always show who had bought the pistol in the first place.

HON. MR. KAULBACH—But the purchaser might give a wrong name.

HON. MR. O'DONOHOE—That might occur in any transaction of life, but it seems to me that a record such as I have mentioned might prove very useful in the detection of crime. I move that the following words be added as a sub-section: "Every one who sells any pistol or air-gun shall keep a record of such sale, the date thereof, name of the purchaser and the number or other mark by which such arm may be identified, under the penalty in the preceding section mentioned."

HON. MR. DICKEY—I should like to point out to the committee the very absurd position in which this clause will go to the House of Commons with that amendment. We first prevent the sale of fire-arms under the head of a penalty, and then we say that the person who sells fire-arms should keep a record of each sale. If that amendment is made it will be

entirely inconsistent with the first clause of the Bill.

HON. MR. VIDAL—The first clause relates to selling to minors; the other relates to the sale of fire-arms to anybody.

HON. MR. LACOSTE—The amendment should be a separate section. It has no connection at all with the matter in section 2.

HON. MR. GIRARD—I would suggest that the word "air" be struck out of every section of the Bill where it occurs. I think the air-gun should be prohibited for any purpose. It is, as I said on a former occasion, the murderer's weapon.

HON. MR. DICKEY—If the amendment of the hon. member from Toronto should be adopted, the effect of the Bill will be this, that no person can sell a pistol or air-gun to any one to whom he can now lawfully sell it without registering it. I think that would be an interference with trade which would not do the Bill much good in another place, and I do not think it will help to meet the object which my hon. friend from Quinté had in view when he drafted the Bill, namely, to protect the public against the sale of those weapons to minors.

HON. MR. KAULBACH—The object of the Bill is to restrict the sale of those deadly weapons, and the trade in them will necessarily be diminished as a result of this legislation.

HON. MR. POWER—After all, it is only putting dangerous weapons in the same position as noxious drugs. According to the laws of some countries any apothecary who sells poison is obliged to make an entry, in a book kept for the purpose, of the name of the person to whom the poison was sold and the nature of the poison. I do not think there is anything very unreasonable in requiring that a gunsmith should make an entry of the name of the purchaser of the gun and the number or other mark on the gun for the purpose of identification. With respect to the suggestion made by the hon. member from St. Boniface, I should be very glad, for one, to try to do what he wishes, but his suggestion, if adopted, would have a totally different effect, and if he strikes out the word "air" from the Bill it will have the effect of preventing the sale of any other kind of gun whatever.

The committee divided on the amendmont, which was adopted. Contents, 18; non-contents, 8.

HON. MR. KAULBACH.—I observe that the schedule limits the power of a magistrate to issue certificates. The second clause of the Bill gives him a general power, but the schedule says that the certificate should state the limits to which it is applied.

HON. MR. POWER—I think the position taken by my hon. friend from Lunenburg is perfectly sound, and I understand that the introducer of the Bill proposes to let the third reading stand, in order that he may have an opportunity to consult the leader of the House as to whether an amendment to limit the jurisdiction of a magistrate under this Bill is desirable or not.

HON. MR. McCLELAN, from the committee, reported the Bill, with amendments.

STEAMBOAT INSPECTION BILL.

SECOND READING.

HON. MR. LACOSTE moved the second reading of Bill (O) "An Act to amend the Steamboat Inspection Act, Cap 78 of the Revised Statutes." He said: The main object of this Bill is to take out of the Act the rules and regulations concerning the inspection of boilers and safety valves of steamboats, and also relating to the construction of boilers, and to put this into the hands of the Governor-in-Council for the purpose of following the progress of science, and making those rules and regulations more in accord with modern scientific construction. There are some other changes of minor importance relating to certificates.

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

OFFENCES AGAINST THE LAW OF MARRIAGE BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on the Bill (F) "An Act respecting offences against the Law of Marriage."

(In the Committee.)

On the first clause,—

HON. MR. MACDONALD (B.C.) said. I will ask the House to adopt the first

clause, and then rise and report progress. I have an intimation from the Minister fo Justice that he intends to embody this Bil[in a measure which he is about to introduce to amend the criminal law. In that case this Bill is likely to be dropped altogether. I therefore move that the committee rise, report progress, and ask leave to sit again, on Tuesday next.

HON. MR. DICKEY—I should like to direct the attention of my hon. friend publicly, as I have already done privately, to sub-section 4 of section 1, which is as follows:—

"This section shall not apply to any Indian belonging to a tribe or band among whom polygamy is not contrary to law, nor to any person not a subject of Her Majesty, and not resident in Canada."

I think that is a very dangerous exception to make, because it may have the effect of excepting the very class to whom the Bill is intended to apply.

HON. MR. MACDONALD (B.C.)—That part is to be struck out, and there is another part—the disqualification of persons convicted under this Act from voting in elections. That also is omitted.

HON. MR. KAULBACH—This is a question which requires a great deal of consideration. These Mormons appear to be a respectable community, and are progressing rapidly in the North-West.

It is a question whether these people should be driven out of the country for having performed their religious duties in a way they believe is right—it is a question whether this Bill should have a retroactive effect, and deprive these people of the rights which they possess under the laws as they exist to-day, and as they existed at the time when they settled in the country. It is a serious matter to say whether they should be driven out of Canada when we are anxious to settle that country as rapidly as possible in every legitimate way.

The first clause was adopted, and the motion to rise was agreed to.

HON. MR. DEVER, from the committee, reported that they had made some progress with the Bill.

BILL INTRODUCED.

Bill (S) "An Act respecting Escaped Persons from Industrial Schools." (Mr. Lacoste.)

The Senate adjourned at 5:30 p.m.

THE SENATE.

Ottawa, Wednesday, February 26th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

GEOLOGICAL SURVEY BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (C) "An Act respecting the Department of Geology, Mining and Natural History."

(In the Committee.)

On the 1st clause,—

HON. MR. POWER—I was under the impression, from an expression of opinion which I heard outside this House, that the Government had decided that they would not change the name of this department or sub-department, inasmuch as it has been known for fifty years as the Geological Survey of Canada. I understood that the Government still proposed to call it by that name. I regret, however, that they have not come to that conclusion. In England a similar body has been known for a great many years as the Geological Survey. There are departments of a similar kind in Australia, which are also known by the same name. They have also one in the United States for the whole Union, which is known by that name, and in several of the States they have departments of the same kind which are known as Geological Surveys. I think it is not now desirable that we should adopt a name different from that which has been used in Canada for so long a time, and different from that now used in other countries. It really does not make any difference what you call the department. If you call it the Geological Survey it will amount to just the same thing as if you call it the Department of Geology, Mining and Natural History; but, I think it should be called the Geological Survey, as in the past, because it indicates the connection with the previous fifty years, which is a desirable thing. There is just one other circumstance in connection with the title of this department which I think is worthy of some consideration. It is said there is very little in a name, but I think there is often a good deal in a name, and in the present instance the name counts for

something. If we call this department the Geological Survey, the name carries us back to the fifty years' service which this department has had. If we change the name as proposed, the first impression is, not that it is a scientific body, but that it is a department, and immediately you will cause a tendency on the part of a large number of office seekers who have not scientific qualifications to apply for positions. The general feeling will be that here is a new department, here is a chance to get some one in. I feel satisfied that if the name of the department is changed the heads of the department will be worried with applications from all manner of applicants. If we do not change the name, that difficulty will be avoided.

HON. MR. LACOSTE—I think we would have no objection to allowing the old name to remain, providing it is understood that this department will include natural history, mining, &c.

HON. MR. POWER—The old Geological Survey included all that.

HON. MR. POIRIER—I would like to draw the attention of the hon. gentleman to the fact that if you begin to alter the name of this department so as to include all the subjects dealt with there you would have a very long name in a very short time.

HON. MR. LACOSTE—In this Act the expression department means the Department of Geological Survey—that is, it includes mining, natural history, surveying, &c. I have no objections to striking out the words "mining and natural history."

HON. MR. POWER—I should like to get an expression of opinion from some other members of the House upon this point. I think the better way would be to retain the historic name of the Geological Survey of Canada, and then you can include in that department anything you please. If you say that it is the Department of Geology, the title is open to the objection that it gives office seekers the idea that a new department is being organized. If you continue the old title, you give no such invitations to office seekers, and you can include under the name anything that you please.

HON. MR. DEVER—I think it is more expressive to say Department of Geology, Mining and Natural History, which includes every branch.

HON. MR. SCOTT—There is a good deal that is misleading in all these titles. Not only are the branches of geology, mining and natural history dealt with here, but there are other subjects also—for instance, the subject of ornithology is taken up and dealt with quite extensively. Therefore, I think that in any title that is given to the department the name ought to show that it includes and embraces something outside of geology. It would be misleading to narrow down the name to Geological Survey.

HON. MR. LACOSTE—The intention of the Government was to have the name or title as it appears in the Bill. It has been said to the Minister of the Interior that the old title should not be left out, but he has no objection to the change of the name. The title, as it now is, according to this Bill, shows that the department is not purely one of geology. At the same time, if the desire of the hon. members of this House is that the change should not be made, we will keep it as it is.

HON. MR. VIDAL—I do not feel at all convinced by the arguments presented by my hon. friend from Halifax.

HON. MR. POWER—They do not generally convince you.

HON. MR. VIDAL—I think it is rather to my credit. He seems to lay great stress on the argument that there is a possibility that office seekers will be led to make applications for positions in this department. I do not think that is any reason why we should not change the name. What is it to the Legislature if people make mistakes and apply for positions in this department? I think it is very desirable that the name should convey to the public some idea of the work in which the department is engaged. We know that the word geology conveys to the average mind nothing more than an impression of strata, &c. It does not indicate in any way that the department is engaged in natural history. I think we ought to leave the name as it is in the Bill.

HON. MR. SCOTT—I understand the reason why my hon. friend from Halifax is desirous that the title should remain as

it is. e feelings which prompt him to continue to use the old name. I think it is in memory of Sir William Logan, who founded the department about fifty years ago. I can remember when it was a very small Survey, and when Sir William Logan had the whole thing in a small room in Montreal. In that way it was called the Geological Survey of Canada; it was intended only for geological survey work; but naturally, as the country opened up and grew, additional branches had to be added. More information was needed about other things than geology alone, particularly about that important branch, mining. Of course, from year to year other branches of natural science have been added; therefore, while I would like to retain the name of Geological Survey I cannot close my eyes to the fact that the department is one of natural science. This particular department takes in a great many subjects. While I am not pledged to any name, I rather think the title of Geological Survey ought to give place to the name in the Bill. Of course, in a few years the other name will be forgotten. It is now remembered because Sir William Logan gave it that name.

HON. MR. LACOSTE—As I said before, we have no objections to the name being changed, or being left as it is in the Bill. I think, however, that the name had better remain as we have now put it in this Bill.

On the 3rd clause,—

HON. MR. POWER said—I should like to know whether the Government intend to take on a large number of employés or not?

HON. MR. LACOSTE—I believe it is the intention of the Government to have only the necessary employés. If any new ones are required in the public interest, I suppose they will have to appoint them.

The clause was adopted.

On the 5th clause,—

HON. MR. DICKEY said—I think this is the most important section in the whole Bill, because it is the only one that appears to have any practical bearing on the future service of this department to the country. The complaint has hitherto been made that it was the Geological Survey only in name, and that we derive really very little advantage from it. This clause for the first time seems to specify the particular character of business of this department, and I must say that it is very much needed, because we have had numerous and expensive surveys made and work done, and very few practical results to show for it. I do not say that they have been of no benefit, but I do think we might have had much more practical results from the service. We have had annually many surveys, and a large amount of money has been expended for the information which has so far been very limited. There is a great need that these changes should be carried out. I hope the result of this Bill will be such as the Government now hope for.

HON. MR. POWER—I am disposed to agree with the hon. gentleman who has just sat down as to the desirability of making this department more practical. While it is of course desirable that we should get all the information we can, still I do not think that it is necessary that the country should be put to any unnecessary expenditure. With respect to sub-section (*d*), I don't know how it may be in other Provinces, but in the Province of Nova Scotia the Government has an inspector of mines, and publishes statistics of the mining industries, and the report of the inspector of mines on the condition of mining in the Province. If this work is being done by the other Provinces, and at the provincial expense, it does not seem to me that there is any necessity of having it duplicated here. The Government ought to make some arrangement which will avoid duplicating any expenditure that the Government of any of the Provinces have taken upon themselves in connection with the work done in publishing these statistics and reports. The language in the last two lines of sub-section (*d*) is rather vague.

I presume the intention is that the department shall preserve records of the locations of artesian wells, &c., but the language which is used in the Bill does not seem to me to express what is required, but to imply something more extensive. These records would be for a great number of years back, and if it is the intention of the Government to collect them, they will have to erect a very large building for the purpose of holding these records. I think that the language or wording of that section should be altered so that it would

provide only for the preservation of all desirable information for the purpose of identifying those artesian wells and mines.

HON. MR. LACOSTE—The intention is to preserve what records are necessary for scientific work. I may state, as to the adoption of the scientific publications and reports of the Provinces, that it is proposed by this Bill that the Geological Department shall publish only the results of their own work. I do not see that they can duplicate any of the work of the Provinces. The statistics may or may not agree. As to the other suggestion of the hon. member from Halifax, I believe that it is the intention not merely to preserve records of where artesian wells, mines, &c., are, but also to describe the nature of the well, or the mine, and to keep all the records that are important. I think we can leave it to the department to keep only such records as are necessary.

HON. MR. VIDAL—With reference to the artesian wells, it is important to preserve not only the records of their location, but also information as to the strata through which they are bored. Very often valuable information is obtained in this way.

On the 9th clause,—

HON. MR. POWER—I should like to have an explanation of this clause.

HON. MR. LACOSTE—This clause has been in the Act since 1868, and that is why we read in this clause that it only applies to railways incorporated after May, 1868.

HON. MR. SCOTT—Perhaps my hon. friend can tell me whether the law has been observed. I cannot conceive what benefit it will be to anybody to file plans of some of the railways with the Geological Survey. Take, for instance, this road running to Prescott: it runs through a flat country, and it would put the company to a good deal of expense to furnish plans of the line, and it would be of no value.

HON. MR. LACOSTE—It is not to be supposed that plans will be asked for unless they are necessary. Sometimes the Department may require a copy of a section where they are going to work. Then the company is obliged to give that information, and this clause, as I said before, has been in the law since 1868.

HON. MR. SCOTT—It has been a dead letter.

HON. MR. LACOSTE—Perhaps some demands of that kind have been made by the Minister of the Interior, but very few. I do not think it can weigh much on the railway companies.

HON. MR. MACINNES (Burlington)—It is a very serious matter to a long railway, such as the Grand Trunk Railway or the Canadian Pacific Railway, to furnish such plans as are called for here. It strikes me that the clause is quite unnecessary if it has been a dead letter. If it were not a dead letter it would be excessively onerous on a long line of railway to be called upon to furnish plans.

HON. MR. POWER—I think that the reason for the existence of this clause is clearing up. There must have been some necessity for such a provision or it would not have been inserted in the original Act.

HON. MR. SCOTT—It has never been in force.

HON. MR. POWER—It may not have been put in force; but, as the hon. gentleman who leads the House says, the Department are not likely to put any railway company to unnecessary expense. The fact that they have not done so in the past is the best evidence that they will not do so in the future. I can understand that if a railway runs three or four miles through an important mining district it would be very desirable that the department should have the benefit of the surveys which have been made by railway engineers previously, and should not have to do that work over again, and that the information should be placed at the disposal of the department. I think it is a very proper thing.

HON. MR. SCOTT—The common sense natural language of the paragraph is that any railway should be compelled to furnish plans from time to time of such portions of their lines as the department thought fit to ask for. That is really what would be wise and prudent; but to have a clause which compels all railways in this country

to file plans with the Department of Geology is anything but desirable. The department would not know what to do with them, they would be so cumbrous. There are thousands of miles of railway in this country that run over dead flats, where the plans would give no indication of what was beneath them. You might as well draw a line over a blank sheet of paper. Of course, where there is a rock cutting, some information might be gained from a section of the road, but there is no necessity for enacting such a stupid clause as this.

HON. MR. LACOSTE—It amounts to the same thing, if the hon. gentlemen will read the clause: these plans have to be furnished only at the demand of the Minister.

HON. MR. DICKEY—That only applies to railways constructed before 1868.

HON. MR. LACOSTE—I have no objection to amending the clause so that it will read in the manner suggested by the hon. member from Ottawa. The amendment can be made at the third reading of the Bill.

HON. MR. CLEMOW—I believe that all those plans are deposited already with the Department of Railways and Canals, and I see no necessity for this clause.

HON. MR. DICKEY—If that is the case, there is no necessity for this clause; and there is another reason why it should not be in the Bill. There must be some sort of penalty attached to violations of the clause; at all events, the railways would be put, as it were, into coventry if they failed to furnish the plans. How are they to know about this legislation? They certainly would not look into this Act to ascertain what returns they should make. They would naturally look to the Railway Act. If the plans are to be found in the Department of Railways, this sister department of the public service can get information there, without imposing the additional burden on the railways of duplicating that information and transferring it to the Department of the Interior.

HON. MR. VIDAL—I think the criticism of the hon. member for Amherst is perfectly just, but it would be better to strike out the clause altogether.

HON. MR. POWER—The better way is to do as the Minister has suggested—amend the Bill at the third reading.

HON. MR. DICKEY—If the Minister finds on examination that the law already requires that these returns shall be made to the Department of Railways and the plans are filed there, surely my hon. friend the senior member from Halifax will not be anxious to duplicate the service.

HON. MR. POWER—I am willing to accept suggestions from the hon. member from Amherst or any one else, but I do not think this suggestion which he makes is as valuable as he fancies. These plans and surveys of railways are filed in the Department of Railways as records, and have to be kept there; and it will cost the Department of Geology just as much to have them copied for their own use as if those plans were filed somewhere else. Inasmuch as the law for twenty-two years has compelled the railways to furnish these returns, it may as well continue to do so.

HON. MR. DICKEY—The information is there, and if these railway companies have complied with the law and gone to the expense of furnishing these reports they should not now be called upon to go to additional expense.

HON. MR. SCOTT—It should also be remembered that all plans of railways are filed in the registry offices of the counties through which they pass, so that the plans are available in every locality.

HON. MR. LACOSTE—The clause might be adopted now, and afterwards dealt with at the third reading.

The clause was adopted.

On the title,—

HON. MR. KAULBACH said—I was in hopes that there would be a clause in the Bill to put this important department in the best working condition possible. Now this Bill gives to the department extensive powers and duties, and it seems to me that something should be done to arrange for the working of the surveys. There seems to be no clause here for the proper organization of the work of the surveys and for the proper distribution of the geologists over this big country. As far as Nova Scotia is concerned, though it is small in area, it is

of vast importance. There is probably no part of Canada that possesses such wealth in minerals. Some provision should be made in this Bill by which the geologists should be distributed over the various sections of this Dominion, and not left, as it is now, entirely in the hands of the department to do as they think proper. My hon. friend might take this into consideration when he moves the third reading of the Bill.

HON. MR. HOWLAN—It is better to leave this to the department. They are much better judges than this House can be of where the services of the geologists are most required. They have all the records of the department, and we might very properly leave the matter to them.

HON. MR. LACOSTE—I believe it is a matter of internal administration of the department.

HON. MR. POWER—I wish to call attention to the fact that the chapter which we are repealing contained this provision, which is not embodied in the Bill. I do not mean to say that it is necessary, but I do not see that there is any provision made in this direction in the Bill. The Act says that the museum shall be kept open to the public every day of the week except Sundays, for a certain number of hours. Now there is no such provision in this Bill. I presume the Government will see that the museum shall still be kept open to the public.

HON. MR. LACOSTE—It is one of the regulations that can be adopted by the department itself.

HON. MR. SCOTT—In the memo. left on our desks I see a recommendation was made that the annual report should be distributed liberally, more particularly among the educational establishments of the country, and also that copies should be furnished to the newspapers. Perhaps the Minister, before the third reading, will be in a position to advise the House as to whether it is proposed to increase the distribution or confine it as it is now. I think it is desirable that this annual report should be circulated in quarters where it does not now go.

HON. MR. POWER—The suggestion of the hon. gentleman from Ottawa opens up a question of very consideradle importance. The reports on the geological survey are very expensive. There are a great many tables in them and illustrations, and they are very expensive publications. Last Session I called the attention of the House to the fact that, in countries which are much richer than Canada, there is no such lavish gratuitous distribution of public documents as there is here. In England the rule is that public documents are sold for cost and charges, and they are on sale in places where the public can get them. Any one who needs a report of any kind can get it at a very low figure; and I think it would be very much better that we, in Canada, should adopt that system to a very much greater extent than we have. In that case, any one who needed a copy of the report would go and buy it. We spend an immense sum of money in distributing reports all over the country, most of which are not read at all.

HON. MR. KAULBACH—This department would involve a large expense, no doubt, but after that expenditure has been incurred the distribution of a few additional copies of the annual report will add very little to the expense. There is nothing I have been asked for more than for copies of this Geological Survey report. Many persons with whom I am acquainted are anxious to get it, and I cannot procure it for them. It is not on sale, and it cannot be had from the department. After going to all the expense of having these surveys made and reports printed, we should not hesitate at the trifling expense of printing a larger edition of the report for more general distribution.

HON. MR. LACOSTE—By the seventh clause of the Bill the distribution is left to the Governor in Council. I see the opinions of members of this House are not the same on the subject. The Government will consider the matter and make a wise distribution.

HON. MR. READ, from the committee, reported the Bill with amendments, which were concurred in.

IMPROPER USE OF FIREARMS BILL.

TRIRD READING.

HON. MR. READ moved the adoption of the amendments made in Committee of

the Whole to Bill (B) "An Act respecting the improper use of Firearms and other Weapons."

HON. MR. ALMON—Before that motion is agreed to I should like to make a few observations. When the Bill was first introduced by the hon. member from Quinté I was very much pleased with it indeed. I had hoped that the sale of firearms to children would not be confined to pistols, but would also be extended to toy cannons and pistols with fulminating caps. An amendment was proposed by the hon. member from Toronto (Mr. O'Donohoe), which was a very desirable one, and would have been all right if my hon. colleague from Halifax had not spoiled it. He also told us that when druggists sell poisons they are required to make an entry of the name of the person to whom the sales are made, and the character of the poisons. Now he is mistaken in that point. Almost any liniment taken internally is a poison. If a child buys a liniment at an apothecary shop the druggist does not ask the name or enter it in a book. Another thing, saltpetre, nitrate of potash, when taken in a dose of an ounce, is likely to prove fatal. Does the hon. member mean to say that a druggist who sells an ounce of saltpetre makes an entry of it? There are many things that the hon. member from Halifax is not acquainted with, although he is not aware of the fact. The amendment, as originally proposed by the hon. member from Toronto, was a very sensible one indeed. But the senior member from Halifax, who belongs to those who can "divide a hair twixt the south and south-west side" had it amended, and it reads now that any person who sells a pistol must make an entry of the sale. If a man has a pistol which he sells to somebody on the street, is he obliged to make an entry of that? It was a very good amendment, as it was introduced by the hon. member from Toronto, but it has been changed, owing to that unfortunate tendency of the hon. member from Halifax to alter everything until it has become arrant nonsense. I am glad indeed that the hon. member from Halifax is not here when the Lord's Prayer is read, because I am sure if he were present he would agree with the prayer of the petition, but move an amendment to its title. The hon. gentleman also propounded a strange rule, that what takes place in the Railway Committee is secret, and not to be spoken of in this House. I belong to no secret society. I am here as a representative of the people, and whatever I do in committee I should speak of whenever I choose. Nothing should prevent me from telling what I say or do in committee to the world. The hon. gentleman and I differ in that as we do in a great many things. I would not have mentioned this if the hon. gentleman had not cast ridicule on my proposition to include in this Bill toy pistols with fulminating caps.

HON. MR. POWER—My hon. colleague from Halifax seem to be under the impression that there are some things that I do not know. I quite agree with him that the number of things which I do not know would fill a very large library. I do not pretend to any very extensive knowledge of any subject, not even of the senatorial nature. The hon. gentleman referred to something which I said yesterday. He was out of order in doing so. He referred to something that I said in the course of debate yesterday with respect to the fact that it was undesirable that what takes place in a committee should be discussed in the House. I think the hon. gentleman will see that my view is perfectly sound. The rule of the House forbids reference to previous debates; and if such a reference is objectionable in the House, surely there is a strong objection to referring to what has occurred in the comparative privacy of a committee meeting.

HON. MR. MILLER—Would the hon. gentleman hold that with respect to a debate on the same Bill?

HON. MR. POWER—My remark is not intended to apply in a general way. There are things said in a committee which are not exactly intended for publication, and when a thing of that sort has been said, it is undesirable that it should be made public by being repeated in the House. That was about all I meant, and I think that is a correct view of the matter.

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

BILLS INTRODUCED.

Bill (41) "An Act to incorporate the Canada Cable Co." (Mr. Macdonald, B.C.)

Bill (53) "An Act to amend the Public Stores Act." (Mr. Lacoste.)

Bill (19) "An Act to amend the Copyright Act." (Mr. Lacoste.)

Bill (18) "An Act to amend the Act respecting Trade Marks and Industrial Designs." (Mr. Lacoste.)

Bill (43) "An Act to amend the Act 52 Victoria, Chapter four, intituled: "An Act to authorize the granting of Subsidies in Land to certain Railway Companies'." (Mr. Lacoste.)

The Senate adjourned a 4:40 p.m.

THE SENATE

Ottawa, Thursday, February 27th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

PREVENTION OF CRUELTY TO ANIMALS.

On the reading of petitions,—

HON. MR. DEVER said—While reading petitions, I wish to call the special attention of the hon. gentlemen of this House to a petition read yesterday from the city of St. John, largely signed by prominent citizens of that place, praying for the passage of an Act for the further prevention of cruelty to animals. I wish to call your attention to this, because I perceive on it the names of some of the most prominent men of that city, and it deserves more than a passing notice.

THIRD READINGS.

Bill (K) "An Act respecting the Board of Trade of the city of Toronto." (Mr. McKindsey.)

Bill (33) "An Act respecting the Peoples Bank of New Brunswick." (Mr. Botsford.)

SECOND READINGS.

Bill (O) "An Act further to amend 'The General Inspection Act,' Cap. 99 of the Revised Statutes." (Mr. Lacoste.)

Bill (45) "An Act to incorporate the Tilsonburg, Lake Erie and Pacific Railway Company." (Mr. McKindsey).

Bill (23) "An Act to incorporate Belding, Paul & Company (Limited)." (Mr. Ogilvie.)

QUEBEC HARBOR COMMISSIONERS BILL.

SECOND READING.

HON. MR. LACOSTE moved the second reading of Bill (R) "An Act further to amend the Act respecting the Quebec Harbor Commissioners." He said: This Bill is merely to give power to the Harbor Commissioners of Quebec to issue certificates. It has been the custom to issue the certificates, and lately the question was put to the solicitor of the commission to know if they really had the right to do that, and his opinion was that they had no right. It is for the benefit of the traders and merchants of Quebec, and at their request, that this Bill is now presented.

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

THE STATIONERY AND CONTINGENCIES OF THE SENATE.

MOTION.

HON. MR. LACOSTE—A message has been sent by the House of Commons to this House, asking us to grant leave to our officers in charge of stationery and contingencies to appear before the Select Standing Committee of the House of Commons on Public Accounts to give information and evidence respecting the distribution of such stationery, and the expenditure for contingencies, as set out upon pages D. 17 and D. 18 of the report of the Auditor General, and also to bring with them all records relating to such items. I believe that it has always been the desire of this House to give as full information as we can in regard to our expenditure. If we refer to precedent we will find that in 1870 an account for mileage and indemnity of the members of this House was forwarded to the House of Commons at their request. We find also that in 1872 a similar demand was made, and that on the 27th of May of that year the Hon. Mr. Campbell, now Sir Alexander Campbell, moved that the Clerk be instructed to lay before the Senate every session a statement of the mileage and indemnity paid to Senators, and to deliver, until further orders, a copy of the same to the Chairman of the Public Accounts Committee of the House of Commons, whenever he might ask for them.

Again, in the year 1880, we find that Mr. Kirkpatrick, in the House of Commons, moved, seconded by Mr. McCarthy, that the Clerk of the Senate be requested to furnish details of the mileage and indemnity accounts of Senators, also details of sittings, number of days' attendance, etc., and this demand was complied with and a statement sent to the House of Commons. But by this Message we are asked not only to send a statement, but also to send our officers to be examined on the items, to oblige them to appear before the Public Accounts Committee, so that they can be examined as to the details of our expenditure. I believe that that is a question of privilege for this House. It came before the House before in 1870, when a similar demand was made.

The House of Commons then asked that Mr. Taylor be sent before the Public Accounts Committee to give evidence concerning mileage and indemnity. This was explicitly refused by this House, and instead of sending Mr. Taylor to give the information asked for, a statement was sent to the Commons. I have made search in "May on Parliamentary Practice," and also in *Hansard*, which is considered, I believe, in parliamentary procedure, as a bible. I could not find one precedent for a case of this kind in the House of Lords. The only precedent I find, and I think there is no analogy between that precedent and this case, was a message sent by the House of Lords and agreed to by the Commons, asking that the Clerk and Clerk Assistant of the House of Commons be allowed to attend a committee of the House of Lords for the purpose of giving evidence respecting the mode of keeping records and of conducting public business—not to enquire into the expenditure of the House, but to enquire into the method of keeping the records and of conducting public business? This was agreed to, and we find that in England the House of Lords have always had control and exclusive supervision of their accounts. Since 1869, I believe, in England estimates are sent by the House of Lords to the House of Commons. These estimates may be refused, and they can be reduced, but the House of Commons have always thought it their duty to grant all estimates asked for by the House of Lords, leaving it to that House to use its own discretion. In the year 1887 there was a Royal Commission appointed to investigate all the public offices, and this commission did not think it proper to investigate the offices of the House of Lords. The examination of the expenditure of the House of Lords was made by a Select Standing Committee appointed by that House. I believe if we follow all these precedents we will come to the conclusion that the control and supervision of our expenditure is left to this House, and at the same time this House must give all proper information that may be asked for. This we are willing to do. We have nothing to hide, and I think that under these circumstances it would be well for the House to pass unanimously the resolution which I now propose, as follows:—

That a Message be sent to the House of Commons, to inform that House, in answer to its Message requesting the Senate to grant leave to the officers in charge of the stationery and contingencies of the Senate to attend before the Select Standing Committee of the Commons on Public Accounts, at their next meeting, to give information respecting the distribution of such stationery and the expenditure for contingencies, as set out on pages D. 17 and 18 of the Report of the Auditor General on Appropriation Accounts, for the year ended 30th June, 1889; and to bring with them all records relating to such items;—that all matters in relation to the internal economy of this House are under the control and supervision of its Committee on Contingent Accounts, subject to approval of the Senate; that the said committee is now engaged in examining the accounts and vouchers of the Clerk, including the distribution of stationery and expenditure referred to in the said Message, and that as soon as the report is submitted by the said committee to this House it will be transmitted to the House of Commons for the use of its Select Standing Committee on Public Accounts.

The motion was agreed to.

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Friday, February 28th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbors, without amendment, were read the third time and passed:

Bill (No. 27) "An Act to incorporate the Sault Ste. Marie and Hudson's Bay Railway Company." (Mr. Read.)

Bill (No. 22) "An Act to amend the Act to incorporate the Belleville and Lake Nipissing Railway Company." (Mr. McKindsey.)

Bill (No. 21) "An Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company." (Mr. Clemow.)

Bill (No. 14) "An Act respecting the Port Arthur, Duluth and Western Railway Company." (Mr. MacInnes, Burlington.)

Bill (No. 20) "An Act respecting the Goderich and Canadian Pacific Junction Railway Company, and to change the name of the Company to the Goderich and Wingham Railway Company." (Mr. Macdonald, B.C.)

OTTAWA, MORRISBURG AND NEW YORK RAILWAY CO.'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (28) "An Act to incorporate the Ottawa, Morrisburg and New York Railway Company," with several amendments. He said: I may explain that these amendments relate chiefly to an important provision of the Bill which proposed to give the company power to bridge the Ottawa River. This was struck out, and there were a great many consequential amendments resulting from that. As these will be printed, I move that the report of the committee be taken into consideration on Tuesday next.

The motion was agreed to.

THE KEEFER DIVORCE CASE.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Divorce, presented their fifth report. He said: I may explain that this is a majority report of the committee, and it became my duty, as chairmam, to submit the report. Although some of the committee had doubts about the propriety of that report, they will have an opportunity, with the other members of the House, to consider it more fully when the evidence is brought down. The evidence only having been completed within an hour or two, there is no probability that this could be in the possession of the House, so that they could intelligently examine it before Tuesday next. I therefore move that the report be taken into consideration on Tuesday next.

The motion was agreed to.

CANADIAN PACIFIC RAILWAY CO.'S BILL.

FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (56) "An Act to amend the Canadian Pacific Railway Act, 1889, and for other purposes."

The Bill was read the first time.

HON. MR. MACINNES (Burlington) moved that the 41st rule of the House be suspended so far as it relates to this Bill.

The motion was agreed to.

HON. MR. MACINNES (Burlington) moved the second reading of the Bill.

HON. MR. MCINNES (B. C.) Explain.

HON. MR. MACINNES (Burlington). I may state that my reason for asking for the suspension of the rule is that the object of this Bill is mainly a financial one, and it is of great importance that the Bill should pass through its final stages as rapidly as possible, because it can be availed of before it receives the Royal Assent. The company are building steamers, for which they are paying weekly, and the passage of this Bill is important to them for financial reasons.

HON. MR. SCOTT. I may say, in addition to what has fallen from my hon. friend opposite, that the Act of Parliament that this Bill is intended to amend is one which authorizes the company to issue bonds, those bonds to be secured on the steamers. Last session Parliament also authorized the Canadian Pacific Railway Company to substitute for their existing bonds on the railways that they controlled what is known as debenture stock, that class of security having become of recent years a favorite on the London market, and commanding a higher price than what are known as ordinary debentures or bonds. They now ask for permission to issue debenture stock secured on the whole of the company's property rather than on the steamers only, as they believe they will obtain a larger sum for the stock than for the debentures on steamers. The debentures on steamers are now in the hands of friends of the company, but they

are waiting for this legislation to release them and take this new stock. Certain lines of railway are authorized to enter into arrangements with the Canadian Pacific Railway Company, but special authority is also required by the latter to perfect those arrangements, and they seek by this Bill that authority.

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

BILLS INTRODUCED.

Bill (50) "An Act respecting the Manitoba and North-Western Railway Company of Canada." (Mr. Girard.)

Bill (48) "An Act respecting the Northern and Western Railway Company of New Brunswick, and to change the name of the company to the Canada Eastern Railway Company." (Mr. Botsford.)

Bill (46) "An Act to incorporate the Mount Forest, Markdale and Meaford Railway Company," (Mr. Dever.)

Bill (26) "An Act relating to the Canada Southern Bridge Company."—Mr. MacInnes, Burlington).

Bill (25) "An Act respecting the North-Western Coal and Navigation Company, Limited." (Mr. Ogilvie.)

Bill (51) "An Act respecting the Hereford Railway Company." (Mr. MacInnes, Burlington.)

SECOND READING.

Bill (41) "An Act to incorporate the Canada Cable Company." (Mr. Macdonald, B.C.)

PUBLIC STORES ACT AMENDMENT BILL.

SECOND READING.

HON. MR. LACOSTE moved the second reading of Bill (53), "An Act to amend the Public Stores Act." He said: By section 3, any public stores belonging to Her Majesty must be marked, and to this effect a schedule of marks has been added to the Act. The said schedule, which it is proposed to amend, provides that hempen cordage and wire rope are to bear the following marks:—"White, black or colored worsted threads laid up with the yarn and the wire respectively."

The proposed modification is the expunging of the word "worsted" from the schedule.

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

The Senate adjourned at 4.10 p.m.

THE SENATE.

Ottawa, Monday, March 3rd, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported without amendment from the Committee on Railways, Telegraphs and Harbors, were read the third time, and passed:—

Bill (45) "An Act to incorporate the Tilsonburg, Lake Erie and Pacific Railway Company." (Mr. McKindsey.)

Bill (41) "An Act to incorporate the Canada Cable Company." (Mr. Macdonald, B. C.)

Bill (56) "An Act to amend the Canadian Pacific Railway Act, 1889, and for other purposes." (Mr. MacInnes, Burlington.)

Bill (R) "An Act to further amend the Act respecting the Quebec Harbor Commissioners." (Mr. Lacoste.)

BILLS INTRODUCED.

Bill (7) "An Act to further amend the Dominion Elections Act, Cap. 8 of the Revised Statutes of Canada." (Mr. Abbott.)

Bill (T) "An Act to prevent the disclosure of Official Documents and Information." (Mr. Lacoste.)

Bill (49) "An Act respecting the New Brunswick Railway Company." (Mr. Botsford.)

SECOND READINGS.

Bill (N) "An Act for the relief of Emily Walker." (Mr. Clemow.)

Bill (50) "An Act respecting the Manitoba and North-Western Railway Company of Canada." (Mr. Girard.)

Bill (48) "An Act respecting the Northern and Western Railway Company of New Brunswick, to change its name to

'The Canada Eastern Railway Company.'" (Mr. Botsford.)

Bill (46) "An Act to incorporate the Mount Forest, Markdale and Meaford Railway Company." (Mr. Dever.)

Bill (26) "An Act relating to the Canada Southern Bridge Company." (Mr. MacInnes, Burlington.)

Bill (25) "An Act respecting the North-Western Coal and Navigation Company." (Mr. Ogilvie.)

Bill (51) "An Act respecting the Hereford Railway Company." (Mr. MacInnes, Burlington.)

COPYRIGHT ACT AMENDMENT BILL.

SECOND READING.

HON. MR. LACOSTE moved the second reading of Bill (19) "An Act to amend the Copyright Act." He said: This Bill is merely to give to the Exchequer Court of Canada concurrent jurisdiction with the other courts in cases of conflicting claims.

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

TRADE MARKS ACT AMENDMENT BILL.

SECOND READING.

HON. MR. LACOSTE moved the second reading of Bill (18) "An Act to amend the Act respecting Trade Marks and Industrial designs." He said: This Bill is for the same purpose as the preceding one. Its object is to give jurisdiction to the Exchequer Court in cases of conflicting claims.

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

THE DEBATES OF THE SENATE.

SECOND REPORT OF THE DEBATES COMMITTEE REJECTED.

The Order of the Day—"Consideration of the second report of the Select Committee on the Debates and Proceedings of the Senate"—being called,

HON. MR. HAYTHORNE said: It is my duty to explain to the House how it happened that a debate which occurred quite a fortnight ago should be brought forward for consideration to-day. The circumstance occurred in this way: a debate arose on the report of the Committee on Contigencies, which was referred back to that committee. On the following day, or the day after, a meeting of the Debates Committee was called on quite different business, when the question came up as to whether that report should be published in the *Debates* or not. The majority of the committee present—there was a bare quorum at the time—recommended that it should not be printed, and orders were given to the reporter accordingly. But, as chairman of the committee, and thinking that that might give rise to a question upon which there would be great difference of opinion, I directed that the short-hand notes of that debate should be preserved, and I have a transcript of them here in my hand. Immediately after that meeting of the committee there was an adjournment of the House, and consequently nothing could be done until after the re-assembling of the Senate the following week. Then, finding that considerable dissatisfaction was expressed in some quarters because the report of the debate had not been published in its regular order, I took steps to call the committee together a second time. Owing, I suppose, to the recent adjournment which had taken place, there was considerable pressure on the different committees and in the different rooms, and the consequence was that we could not find an open day and an open room until last Friday. Then the committee met and took up this question as the first part of their business, and had it pretty well discussed and ready to vote upon when it became necessary to adjourn. However, the question had been put to the members present and had been decided against printing the debate. Now, whether it is a judicious thing for any committee to possess the power to order a debate of this House to be printed or not printed is a question, I think, of very considerable importance, and it is highly necessary that it should be settled by this House. The report of the Contingent Accounts Committee, to which this debate relates, has only this day been presented to the House. It was referred back to that committee to reconsider certain paragraphs, and if anything could justify the withholding of the debate for a time it is the fact that these paragraphs which were referred back to the Committee on Contingencies have only this day been pre-

sented to the House again. Even now the consideration of that report has not yet taken place, and consequently, if the debate which took place on the 14th of February, before the House adjourned, is published, it will relate to certain paragraphs of the report which were referred back to the Committee on Contingencies and which have not as yet been considered by the House. That is the state of the case as regards that particular debate, and I certainly think it would not be an undesirable thing for the House to express an opinion as to whether committees ought to be allowed to order the non-publication of a debate. It is true, I anticipated that a difference of opinion would occur, and I had the report of the debate type-written, and it is now in my hands, subject to the order of the House.

HON. MR. MILLER—What is the authority given to the committee?

HON. MR. HAYTHORNE—The usual authority.

HON. MR. MILLER—Have you got it there?

HON. MR. HAYTHORNE—You will find it on page 16 of the minutes. That is how the matter stands with regard to this report, and I think I cannot explain it any further than this, that the delay, in the first place, was in consequence of the adjournment of the House, and in the second place, in consequence of the pressure in the various committees and committee rooms of the Senate. But as to the other, whether the committee exceeded their powers or not in directing the reporter to withhold the report of that debate until further instructions, I appeal to the House for its decision. If the House desires that any of its debates should not be printed, it seems to me that it would be more becoming to direct the attention of the committee to that particular debate and give them instructions accordingly.

HON. MR. DICKEY—I pass by the question which has been raised by my hon. friend, and on which he desires to have the sense of the House, as to the power of the committee to deal with this matter, because I think there is a much more serious question lying behind it, and that is the propriety of the exercise of the power—assuming that they have it—to make such a recommendation as appears in the report. The hon. gentleman from Charlottetown suggests that the committee might not have the power to interfere with the publication of a debate, but I do think that at the present moment, in the condition in which this House stands, it is of all times and all periods in its history the most untimely for suppressing a report on the contingent accounts of this House. I think, and I hope that my hon. friend, after the expression of the opinion of the House, will come to the same conclusion, that there is grave doubt as to the propriety of this report. We have been discussing these matters in connection with a Message from another place, and we may yet require to have further discussion to relieve ourselves of the imputation that we do not wish the public to know the grounds on which matters connected with the contingencies of the Senate rest. Our desire to give full information has been frequently expressed. We have already said it in the Message, that we wish to give the fullest and fairest information possible on the subject. We have nothing to conceal. If we have nothing to conceal, why omit the report of this debate? I take the opportunity now of making an appeal to our respected leader, whom I am quite sure we are all glad to welcome back with renovated health, to state what he thinks about the course that is recommended by the committee. The House has interfered in regard to debates involving personal matters and recriminations which were not creditable, perhaps, to any person who had taken part in them, and omitted them for the sake of common decency. But this is not such a report, and I trust the committee will receive a hint that if they have the power to act they must exercise it better. I hope the House will refuse to suppress this debate.

HON. MR. MACDONALD—Having been one of the first to move in this matter, I asked the question of the chairman of the committee the other day about it. Finding, to my great surprise, that the debate of that day was omitted from the official report, I made the enquiry how it happened, and learned that a member of the Debates Committee had instructed the reporter to withhold that portion of the report. Now, I consider this a very important thing, and a thing that strikes at

the rights and privileges of members of this House. I consider it highly improper that any single member of a committee of this House should take it upon himself to ask a reporter to hold back a report of the speeches of members in this House. We are allowed a certain control over our own speeches, to amend or correct them, but it would be a greater liberty to withhold the speech of any member, and it is something that I believe is unprecedented. The hon. chairman of the committee tried to justify the withholding the report on the ground that the report of the Committee on Contingencies was not complete yet. That has nothing to do with the question. The question is, whether the committee should have a right to take such action upon a debate of this House, without any reference to it by the House. I contend they have not, and I am very much surprised that gentlemen of parliamentary experience should not have kept within the scope of their authority. It is a dangerous principle, which this House will not tolerate for a moment. Hon. gentlemen who have been in Parliament for long years, and who are familiar with the procedure and the powers of committees should have hesitated before declaring that the speeches of members of this House should be eliminated from the final report. It is a monstrous thing that gentlemen who have struggled with May, Todd and Bourinot for years, and who have no doubt familiarized themselves with every authority on the subject of the rights and privileges of the House, and the powers of the committees, should raise a question of this kind. If they would only look at the resolution under which the Debates Committee was appointed, they would find its scope laid down very clearly. Certain gentlemen were appointed a committee to enquire into the best means to be adopted to obtain correct reports of the debates and proceedings of the Senate, and for the publication of the same, not to eliminate certain portions of the debates, or say what should be published, but to provide for the publication of the debates.

HON. MR. DICKEY—And report their views to the House.

HON. MR. MACDONALD—And to report their views to the House on this subject. I contend that they have gone entirely beyond the scope of their authority, and the best thing would be to withdraw the report of the committee altogether. This House, I think, ought to give some definite expression of opinion on that subject. I have here, by the courtesy of the chairman, the speeches proposed to be eliminated. There is not a single harsh word in that report, nothing which should be cancelled, no charge against anybody, and there are reports in our books of debates ten times more bitter and objectionable than the one in question. This debate simply refers to a certain portion of the report of the Contingencies Committee. The hon. gentleman from St. John (Mr. Dever) is the only member of the House who made a slight insinuation that the recommendation of the Contingencies Committee was made for the benefit of a certain person. That does not tax or accuse anybody of doing anything wrong. I have prepared a resolution here which I hope will meet with the approval of hon. gentlemen. It is as follows:—

RESOLVED,—That the functions and authority of the Select Committee appointed to inquire into the best means to be adopted to obtain correct report of the debates and proceedings in the Senate, and for the publication of the same are defined and limited by the resolution of the Senate under which it was appointed, in the following words, viz.:—

"To inquire into the best means to be adopted to obtain correct report of the debates and proceedings in the Senate, and for the publication of the same, and to report from time to time their views to the House."

That is no part of the duty of that committee, nor is it within the scope of its authority—without special reference by the House—to take into consideration, or report to the House whether any of the debates in the House shall be printed in the official *Debates* of the Senate, or shall be totally or partially eliminated from the same.

That the report of the committee be not now adopted, but that it be referred back, with an instruction to the committee to have the debate alluded to printed in official report of the debates in the Senate.

HON. MR. MILLER—Do you move that as an amendment?

HON. MR. MACDONALD—Yes.

HON. MR. MILLER—You cannot amend the report of the committee. It is out of order.

HON. MR. POWER—Particularly as the adoption of the report has not been moved.

HON. MR. MILLER—Even though it had been, the amendment would be out of order. For the purpose of keeping our

proceedings regular, I raise the point of order.

HON. MR. DICKEY—This amendment has no reference to the question before the House. The question before the House is consistent with the idea that they have the power. My hon. friend's resolution, as a substantive one, is very good, and probably I might be induced to vote for it if he would bring it up in the ordinary way by giving notice of motion, but the question before this House now is, whether we should accept or reject this report—a report which, for that purpose, we may assume that the committee have or have not the power to make.

THE SPEAKER—The hon. gentleman from British Columbia is clearly out of order in moving this amendment. The question before the House is the consideration of the report.

HON. MR. HOWLAN—I wish to make an explanation, as I am a member of the committee on reporting debates.

HON. MR. MILLER—There is no motion before the House. If the hon. gentleman wishes to speak on the subject he should move the adoption of the report.

HON. MR. HOWLAN—I move the adoption of the report, and I wish to put myself right with regard to the report. The hon. gentleman from British Columbia has endeavored to impress this House with the idea that the committee tried to eliminate something from the official report of the debates. That is not the state of the case. What are the committee appointed for? To do a certain thing. Now, have they done anything to take away the powers of the House? The hon. gentleman from Charlottetown has stated that by his own wish the notes of the debate were preserved. Not at all. They were preserved at the instance of the members of the committee, so that the House might do as they thought fit after they read the report. Now, what does the report of the committee say? It recommends to the House a certain course, which the House can adopt if they like. We do not take the power into our own hands to say that one man's speech should be omitted and another's published. The debate related to a question which might properly be called one of domestic concern, and it would be wiser, in our judgment, to omit the report, as we recommended the House to do. So far from taking the power from the House we left it in the hands of the House. Our powers, as a committee, are to report from time to time to the House and to arrange that the debates of the House shall be properly reported.

HON. MR. McINNES (B.C.)—Not suppressed.

HON. MR. HOWLAN—There was nothing suppressed. We recommended that the debate referred to should not be printed in the official report of the debates of the Senate.

HON. MR. MACDONALD (B.C.). Who referred the debate to the Committee? Where is the reference?

HON. MR. HOWLAN — The chairman has explained. The reporters came and asked, as they have often done, what they should do, and the report was withheld until our recommendation to the House is acted upon. We have taken nothing from the House; we have suppressed nothing. We merely recommend that the debate on a certain subject should be omitted. Now, the House can accept or reject that report if they see fit. I do not see how any blame can be attached to the committee. I stoutly express the same opinion here that I did in the committee. Notwithstanding all that I have heard to the contrary, I think it would be much better not to put that debate on the records of the Senate.

HON. MR. KAULBACH—As a member of this House, I moved on the 14th February that the report of the Contingencies Committee be referred back for reconsideration. I have looked into this matter. As the official report appears, no reason is given for the action of the House on that occasion. The question which was then dealt with was whether we should superannuate one of our servants. The question was calmly deliberated on here, and there is nothing in that debate which would justify its suppression or delay in its publication. The report should have been published in order to justify the action of those who voted with the majority. When the members of the Debates Committee took it upon themselves then

to delay the publication of the debate they went far beyond their authority.

HON. MR. HOWLAN—We did not delay it.

HON. MR. KAULBACH—The result of the action of the committee was to delay the publication. Our reporters would not of their own will suppress or delay any report unless they had the authority of the committee, or some member of it, for doing so. It is some seventeen days since the debate took place, and it is not yet published.

HON. MR. HOWLAN—The House adjourned in the mean time.

HON. MR. KAULBACH—We are informed by the chairman of the committee that the day after the debate took place a meeting of the committee was held to deal with an entirely different matter. The committee consists of fifteen members, but there were only five present, and these dwindled down to three.

HON. MR. POWER—No.

HON. MR. KAULBACH—The chairman of the committee so informed me. He said that only three members were present. The report has been delayed and the delay has occurred through the action of the committee. There is no good ground for the decision at which the committee arrived. Any one who heard the debate in question must have been struck with the manifest desire on all sides to avoid reflecting on the character of the parties affected by the report of the Committee on Contingencies. I repeat the Debates Committee exceeded their authority in the course they have taken. They were appointed to inquire into the best means to be adopted to obtain correct reports of the debates of the Senate and for the publication of the same, not for the suppression or delay of the debates. I say if they can do so in one case they can do so in any case.

HON. MR. HOWLAN—The hon. gentleman has stated that we suppressed the report of the debate; he has no right to say that. We did not suppress anything.

HON. MR. KAULBACH—The committee have held back the report, and that is virtually suppressing it.

HON. MR. HOWLAN—We did not hold it back either.

HON. MR. KAULBACH—Through the action of the committee the publication of the debate has been delayed. Generally when a debate has been suppressed it has been by an expression of opinion from the House, and not by the authority of the Debates Committee. It makes no difference to me personally whether my remarks on the occasion referred to appear in the official report or not, but it is important that we should have some expression of opinion from the House as to the extent of the committee's powers. As the hon. gentleman from Amherst says, at this time, when the Senate is accused of extravagance in our contingent accounts, and when we are desirous that no ground shall be given for any such imputations, it is most desirable that full reports of all the questions debated in this House should appear in the official report. I am sure that there is nothing in the debate which occurred on the 14th of February that could reflect on the character of the Senate or of any of its members or employés. There was a desire on all hands to avoid anything of the kind, and the reasons for recommending the superannuation of one of our employés were not as fully given as they should have been for that very reason. Had they been more fully stated I think the House would have considered that the reasons were not sufficient to justify the recommendation. I hope, therefore, that the report of the Debates Committed will be rejected. It would be a dangerous precedent to establish, to give the committee authority to suppress or delay the report of any debate of this House.

HON. MR. MILLER—This is a very small matter, and has already occupied a good deal of the time of the House. I think it can be settled without much difficulty. The report involves two points: first, the power of the committee with regard to delaying the publication of the debates; and secondly, the wisdom of the recommendation conveyed in the second clause. I do not think the committee had any intention to interfere with the privileges of the House or unfairly to interfere with the publication of the debates, but they presumed it would be

a wise course on their part to withhold for a while the publication of the particular debate in question. For my own part, I think that they rather mistook the course which is sanctioned by precedent in this House on that point. Where there has been an objectionable debate it has been usual to refer it to the committee, and the committee has then been asked to consider the question and report to the House, and generally that report has been adopted by the House. The sending of the debate to the committee has been tantamount to an instruction from the House. I think the committee has a perfect right to make a recommendation, and the hon. gentleman from Alberton correctly states the fact when he says the committee has only made a recommendation. It has not attempted to usurp the powers of the House, but has made a recommendation, whether wise or unwise it is for the House to judge. With regard to the second point, I desire to say I think the recommendation of the committee is an unwise one. I agree perfectly with what has fallen from my hon. friend from Amherst, that with regard to the question of our contingencies we have nothing to conceal, and that any discussion taking place on that question should have the utmost publicity. The debate in question was one of those which should particularly have appeared in our debates, because at the present time there is a very unfair agitation being started in another place with regard to the alleged axtravagance of our expenditures. The very appearance, therefore, of suppressing a discussion of anything taking place on that subject might be injurious to this body. I therefore intend to vote against the report as a whole, in consequence of the second part, because I believe the debate in question should take its proper place in the official report, and that any debate of that kind should have the greatest publicity that could be given to it, because I believe this House has nothing to lose by the freest and fullest publication of debates of that kind.

HON. MR. ABBOTT—I scarcely need rise to say anything on this subject, because I might be content with saying simply that I concur in what has fallen from my hon. friend from Richmond. The most courteous way of dealing with the incident before us, which is not all disclosed, as I understand, by the report, is simply to decline to adopt the report if we are of opinion, as I am of opinion, and I suppose as hon. gentlemen who have spoken think, that the recommendation is not a judicious one. I see that the debate in question does not appear in our official report and the House has given no order, I understand, restraining its publication. Therefore, in some way or other the report does not find its proper place in our *Debates*, and we have not yet pronounced any opinion as to whether it should or should not. We have given no order in that respect. The omission of the report is a mistake. I think it should not have occurred.

HON. MR. MILLER—If the House does not order that that debate shall not appear it must, as a matter of course, appear.

HON. MR. ABBOTT—I quite agree with my hon. friend. It is unnecessary for us to make any substantive motion on the subject, because under the arrangement we have made for the reporting of the debates it must appear. It has not yet appeared, and subsequent debates have been published. It does not take its usual place. When the House has declared that it does not concur in the recommendation of the committee that report will find its way, I presume, into the *Debates* in the ordinary course of things; so the main thing we have to do now is to say whether or not we concur in the recommendation of the committee not to publish this report. I am quite prepared to go the entire length that my hon. friend has done in stating my opinion that the report ought to go to the public. Not only have we nothing to fear by a comparison of our expenditure with the expenditures in other places, but as a result of the investigation before the committee last winter, it is proved that we have every reason to be satisfied with our position as compared with that of any other legislative chamber. There is probaly something to be desired yet in that respect, but we are quite competent to do whatever may be necessary in that way, and I only regret—and I mention it incidentally—that the comparative statements which were prepared last year of the contingent expenditures of the two Houses were not published in their entirety as they were laid before the committee,

because the mere publication of the statement laid before the committee, made from authentic sources, of the comparative expenditure and the comparative increases of expenditure of the two Houses, would have been an answer to a great deal of the foolish calumnies and slanders that are published about the Senate on this particular subject. I therefore entirely concur in the views that have been stated by different hon. members that the debate in question ought to appear and that everything which we find it necessary to say in discussing these contingencies should be published, and I do not believe that anything that is said on that subject can produce any other effect than to add to the credit and standing of this honorable House in the eyes of the people.

HON. MR. POWER—If the hon. gentleman had been present at the debate to which reference has been made I do not think he would have applied the language to it which we have just heard. It was a debate which was anything but calculated to elevate this House in the eyes of the public and further; it was a debate which conveyed no valuable information to the public. It was a debate in which a good deal was said as to the character of one of the subordinate employés of the Senate. Was that the sort of thing which should go to the public upon our records? That is the only reason why these domestic matters are referred to committees, that they are not subjects of a kind which should be discussed in public. Men make statements with respect to the characters of employés which may be altogether wrong, a which may turn out, upon further investigation, not to be well founded; but still, when cases of that kind are brought up, there must be a certain liberty of discussion, otherwise the truth is not to be arrived at. Hon. gentlemen must see that the floor of this House is not the place where such discussions should take place. That was the principle on which the committee recommended the non-publication of the debate in question. The hon. gentleman from Amherst and the hon. leader of the House both spoke a good deal of valuable truth as to our not being ashamed that the details of our expenditure should be made public. There was no question of making public the details of our expenditure. The debate did not deal with that at all, but dealt with the characters of certain employés.

HON. MR. ABBOTT—I understand from what is told me that the discussion turned to some extent upon the merits or demerits of some employé of the House, as to the propriety of continuing him in the service of the Senate. One of the calumnies circulated freely about the Senate is that we retain in our employ persons who are unfit for their duties, and that in this way we are squandering the public money. Is there anything more calculated to aid this House than to show that there is nothing of the kind?

HON. MR. MILLER—The question of superannuation was involved in the discussion.

HON. MR. POWER—The question is whether a debate which dealt with purely domestic matters of that kind and did not deal with the subject of our expenditure directly should be published. Now, what took place in this matter? There must have been something a little unusual in the character of the debate when the reporter himself asked the question of the chairman of the Debates Committee whether this particular report should be published or not. A good deal has been said, particularly by the hon. gentleman from Victoria, as to the great liberty—the unpardonable liberty—taken by one member of the committee with this debate. Now, I happen to be the member of the committee who took this unpardonable liberty, and I may state what the liberty consisted of. The reporter himself was under the impression that this debate was not one that it was desirable to publish, and spoke to the chairman of the committee in that sense. I afterwards, in the course of the evening, happened to see the reporter. I did not go to see him about this special thing; but I suggested to him that, as the committee were to meet the following morning, it might be as well to defer the publication of this particular debate until the committee met and had a chance to deal with it. Accordingly, the committee met the next morning and did recommend that this part of the debate be not published, and now the question for the House is, whether the committee were right or wrong. It is absurd to talk about an outrage upon the liberties and privileges

of the House, and to speak as though the whole British constitution were coming down in battered fragments about our ears, because we postponed the publication of a debate until the House has an opportunity to decide whether it should appear or not. Suppose that in the course of a debate some very scandalous thing had been said—and there are hon. gentlemen here who remember debates that took place in past years, when very objectionable language was used—and suppose that no notice happened to be taken of that at the time, is it contended that the committee would have no right, when they came to realize, afterwards, what the effect of this language was, to recommend to the House that that debate should not appear, or that a particular speech should not be published? There is this fact, that more than once—and the hon. gentleman from Victoria must know it quite as well as I do—there have been instances in which speeches, and portions of speeches, have been suppressed, on the recommendation of the chairman of the committee alone, and no question was raised about it. We were not told that the British Constitution was going to pieces.

HON. MR. KAULBACH—That is all wrong, though.

HON. MR. POWER—It may or may not be; the thing had been done before and in a more aggravated form than it has been in this case, and I fail to see that any very serious injury has been done. Of course, if we could have foreseen that the non-publication of that interesting debate was going to excite so much feeling amongst the members of the House who are such warm lovers of British liberty, the committee probably would not have made the recommendation that they did; but it may be that some gentlemen may have occasion to regret that the House has taken the position which is now suggested with respect to this matter. If it is said that the committee which is appointed to supervise the publication of our debates has not the right of reserving the publication of one speech, or a number of speeches, until the House has decided upon the question, I think that occasions may arise when that will be found to be a bad rule.

HON. MR. MACDONALD (B.C.)—I am bound to believe that the committee acted with the best intentions. There is nothing personal to them in the opposition to this report, but at the same time, I think they acted injudiciously, and exceeded their authority. The statement of the hon. gentleman from Halifax that the reporter met him and suggested to him to withhold the report——

HON. MR. POWER—I never said anything of the sort. I said that the reporter made the suggestion to the chairman of the committee.

HON. MR. MACDONALD—The reporter's duty was to report the debates of the House, and he had no right to make a suggestion of the kind. It makes the matter ten times worse if there has been collusion between the official reporter and any member of the committee.

HON. MR. BOTSFORD—There is no question in my opinion but that the committee had a right to recommend, as they have recommended, that a certain portion of a debate be omitted; the only question is, whether it was judicious to delay the publication of the report, as has been done. The House has power to decide the question, it is true, but the committee have power to recommend to the House to suppress or delay the publication of any particular report. The difficulty has arisen mainly from the adjournment of the Senate. If the opinion of the Senate could have been got in a reasonable time there would have been very little delay. Under the circumstances, the question before us is simply whether the report should be adopted or not.

HON. MR. ALMON—I want to know if any person thinks that a private member of a committee has a right to meet one of the official reporters and tell him to suppress a report of a debate until the decision of the House is obtained? I do not think any one should undertake to do so.

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

CONTENTS:

Hon. Messieurs

Bolduc,	McClelan,
Casgrain,	McMillan,
DeBlois,	Macfarlane,
Howlan,	Power.—8.

NON-CONTENTS:

Hon. Messieurs

Abbott,	McKay,
Almon,	Macdonald (Victoria),
Boulton,	Merner,
Clemow,	Miller,
Dever,	Montgomery,
Dickey,	Murphy,
Girard,	Pâquet,
Glasier,	Prowse,
Haythorne,	Read (Quinté)
Kaulbach,	Reesor,
Lewin,	Reid (Cariboo),
McCallum,	Robitaille,
McInnes (B.C.),	Smith.—26.

HON. MR. ABBOTT moved that the House do now adjourn.

HON. MR. HOWLAN—Before the House adjourns I want to show that there is a precedent for the course which the Debates Committee have taken in this matter. On reference to the first volume of the Senate *Debates*, Session of 1885, it will be seen that a similar question to this was before the House. Mr. Vidal then occupied the position of chairman of the Debates Committee. I find on page 239 the following:—

"HON. MR. ALEXANDER—Before the Orders of the Day are called, I rise to a question of privilege. I learn that orders have been given to the reporters of this House to expunge a certain speech delivered in this House by a member. The orders were conveyed I understand, to the reporters by the hon. senator from Sarnia (Mr. Vidal). I desire to ask by what authority that senator gave or conveyed such orders? My reading of parliamentary practice is that no speech of any member can be omitted from the official report of the debates without an order of the House conveyed by resolution duly passed.

"HON. MR. VIDAL—As the hon. member has called upon me by name to explain this matter, I must endeavor to do so, although laboring under very considerable difficulty on account of a severe cold. As he has been pleased to term it, the order that has been given the reporters is not, correctly called, an order. I received from the official reporters, in the absence of the chairman of the committee on the reporting of the debates, a brief memorandum asking what was to be done with the debate of Friday last in connection with the disorderly conduct and remarks of the hon. senator from Woodstock. The reporters understood, as I think it was generally understood in the House, that his remarks and the speeches referring to those remarks, should not find a place in the record of the Debates of this House. That was the understanding by myself, and I think by the other senators, of what was the desire and intention of the House in this matter. I have no authority to suppress any debate, much less to do what has been incorrectly charged to have been done—expunge it from the record, because it has never been on the record, and consequently could not have been expunged. I had no authority for directing that this speech should not be placed in the record; and I therefore took the opportunity of consulting other members of the Debates Committee. There was no time to call the committee together, but I took the opportunity of consulting such members as I could conveniently see. Every one of them understood the sense of the House that those speeches — not merely the speech of the hon. member from Woodstock, but all the speeches based upon his remarks — should not be inserted in the official report of the debates. I conveyed this information to the reporters, and they very naturally asked the question as to where the omission was to commence and how far it was to extend? I gave to them what I understood to be the decision of the Senate, and as I thought a very natural and very proper decision, especially when the hon. gentleman from Woodstock had professed to make an apology to the House, I considered, that being the case, that was the admission that he had done wrong, that his remarks were entirely out of order and should not, therefore, on that account be placed on record; so I gave, as I thought, very simple and proper instructions to the reporters to go on with the hon. gentleman's remarks just so long as he was speaking on the subject before the House—that is, the Bill respecting the transfer of lands in the North-West Territories—but so soon as he departed from that and began to use these inexcusable imputations, and when he undertook to express himself in a manner entirely unbecoming in a member of this honorable body, that those remarks should not appear—that that should be the special point at which the reporters should not record the debate, and as a natural consequence, not only the remarks of the hon. gentleman from Woodstock, but the remarks of the hon. gentlemen who spoke after him in reference to this matter, should disappear altogether, so that there should be no record in our official report of that very unpleasant debate. I think the hon. gentleman's remarks were very derogatory to the character and honor of this House, and calculated to lower us very much in the estimation of the country. There is no hon. gentleman who professes to have greater respect for the dignity of this body or greater desire that it should stand well in the eyes of the community than the hon. member from Woodstock, and I venture to say that the remarks such as he had made in this House during this session have done more to lower it in public estimation than anything that has been done within these walls. Not only should the Senate sanction what has been done, perhaps somewhat irregularly, with reference to these remarks, but in my judgment the Senate would act wisely and well if they would expunge from the record the remarks made by the hon. gentleman on a former occasion, when he indulged in unjustifiable imputations upon the character, honesty and integrity of this body. I trust the House will sustain the somewhat irregular action taken by me, and will affirm the principles and motives which actuated me in adopting the course which I have taken."

Now, we did not go so far as that: we merely recommended to the House what we thought would be in the interest of the Senate, and still we are accused of robbing hon. gentlemen of their rights, and as the hon. member for Halifax has well put it, of tumbling down the whole British constitution on their heads. On the occasion in 1885 to which I have just referred the House supported the chairman of the Debates Committee in the course he pursued. Taking that view of the matter, I ask the leader of the House to be allowed to withdraw my name from the Debates Committee.

The motion was agreed to; and the Senate adjourned at 5:10 p.m.

THE CONTINGENT ACCOUNTS OF THE SENATE.

The following is the report referred to above:—

HON. MR. MACDONALD (B. C.)—I should like to know why Thos. Davis, a messenger, is superannuated? He is a young man, and seems to be quite fit to discharge his duties. I should like to have that part of the report suspended and referred back to the committee to enquire further into this matter. I should like to know if they had this man Davis before them, and why they have decided to superannuate him?

HON. MR. KAULBACH—I am not possessed of the facts which led the committee to recommend that this young man be superannuated. Some reasons should be given for such an unusual recommendation. It seems to me that it would be a bad precedent, unless a man has been for a long time in the public service and has reached an advanced age, to superannuate him. If Davis is not over age and not incapacitated from performing his duties I should like to know why he is to be superannuated. It is unjust to the young man himself to shove him out of the position he is holding, if it is merely to make place for some other person. I should think that the committee would not yield to pressure to recommend the superannuation of a comparatively young man, to make room for another person. Unless the chairman of the committee can justify this recommendation, I must oppose the report.

HON. MR. POWER—I think it would not be at all desirable that such a matter as this should be discussed in this Chamber. There were as many members present at the meeting of the committee as are present in the house now. The matter was discussed and the committee arrived almost unanimously at the conclusion to make the recommendation contained in the report. The hon. member from New Westminster did not concur in the recommendation to superannuate Davis, but my recollection is that he did concur in the proposition to dispense with his services. Satisfactory reasons were furnished to the committee why this man should not be continued in his present position, and I think it would be an unfortunate precedent if, in a thin House, we were to undertake to discuss before the whole country the reasons why the committee have recommended that a certain course be taken in dealing with an inferior officer of the House. There is this objection to referring back the paragraph of the report containing the recommendation: the action which the committee took on several other applications would be influenced by the action taken in this particular case, and we should be obliged to refer back a large portion of the report. I have not the slightest interest in the matter, good, bad or indifferent, except that the right thing should be done, and I think that it would be a very unwise thing to refer this paragraph of the report back. There is no object in prosecuting the enquiry any further.

HON. MR. KAULBACH—My hon. friend has rather excited my curiosity. Does he tell us that when a report comes from a committee we must adopt it blindly without discussion? Is the House not to be the judge of all circumstances connected with the recommendation? When such a new departure is taken as the superannuation of a young man we should have a reason for it. We must know the ground on which this recommendation is made. There should be no hesitation on the part of the House in demanding all the information that is necessary to enable us to arrive at a correct judgment on the matter. It is a new departure, and I can only say, as my hon. friend beside me has said, that I can see but one reason for making such a recommendation—that there is a desire to give the position to somebody else.

HON. MR. POWER—Nothing of the sort.

HON. MR. KAULBACH—If that is not the reason, then we ought to know what is the real ground for making the recommendation. If this man has not performed his duty, if he is incapacitated in any way, if he has been an unfaithful servant, he should be dismissed and not superannuated. Until some explanation is given by the chairman of the committee, I shall be disposed to oppose this paragraph of the report.

HON. MR. DEVER—I have no interest in this matter, and did not hear it discussed

until just now. It is something new in this House that a Star Chamber committee should consider a matter of this kind and recommend a certain course to the House, without giving any explanation for taking the course recommended. I protest against such a doctrine. I do not want to vote for anything or be considered as voting for anything that I do not understand. I question very much the wisdom or propriety of doing anything here that we are afraid should get out to the public. What will the public think we are doing when they read the speech of my hon. friend from Halifax? They will think that we are wasting public money for the purpose of finding a position for some individual in whom certain members are interested. That is not an impression which should be allowed to go abroad, and I do not think it will be tolerated by the House or the country. I propose, for one, that all the facts connected with this matter shall be made public. If the recommendation is right, we will endorse it, and if it is wrong let us reject it.

HON. MR. HOWLAN—As one of that committee, I wish to say to the hon. gentleman from St. John that the committee is not a Star Chamber at all. It is composed of a large number of members of this House and is the very opposite of a Star Chamber committee. I am satisfied if the hon. gentleman had been there and heard the discussion he would not have made the remarks he has just made. At the meeting of that committee we had the leader of the Opposition and a member of the Government present to see that nothing wrong was done. The matter was discussed fully, and the conclusion arrived at is the recommendation contained in the report which is now before us. Unless there is some good reason for rejecting the report it should be accepted by the House. I admit that every report of a committee is subject to discussion in the House, but at the same time the House should credit the committee with having discharged its duty. If they think that the committee has been influenced by improper considerations they should appoint another committee. This young man Davis has contributed to the superannuation fund, and the recommendation is merely to give him back his money. I cannot see how any public money is misappropriated in superannuating this man. I may say that more than three-fourths of the members of the committee approved of the recommendation in this report, and I think it would be better to adopt the report than to send it back for further consideration.

HON. MR. ALMON—When I first heard that an employé was to be superannuated I enquired how old he was, and I learned he was about 35 years old. I think, therefore, that superannuation does not apply in this case. I was told the young man had bodily infirmities which prevented him from discharging his duties. I asked if he had a certificate from a medicial man stating what his bodily infirmities were, and I was informed by the chairman of the committee that he had not. Now, in Nova Scotia, and I fancy in other parts of Canada, there is no charge made against the Government of this Dominion which is more injurious to them than the charge that they superannuate people who are quite competent to discharge their duty in order that they may make room for favorites of the Government. Whether that is the case or not in the higher and more remunerative offices, we should be careful that no such charge can be laid against us. If this young man is to be pensioned for bodily infirmities there ought to be a medicial certificate showing the cause; but I believe that is not the reason at all why he is unfit for his duties. However, I will not enter into particulars, as I will not make charges that I cannot substantiate, but if what I have heard is true, he ought to be reprimanded, and told that if he has to be superannuated again he will not get another chance, but will be discharged. If I could move an amendment to the report I should like to move that he be reprimanded and told that if it is necessary to deal with his case again he will be discharged.

HON. MR. MCINNES (B.C.)—Since my name has been mentioned in connection with the proposed superannuation of Davis, I may say that as a member of the committee I took very strong grounds against the recommendation of the Housekeeper to have this man superannuated.

HON. MR. POWER—This illustrates the objection to which I refer, that a domestic arrangement of the Senate should be discussed, and these little details go on our

record. I think it is highly objectionable that we should be discussing what the Housekeeper said and what other employés said. It is very improper and undignified. If the recommendation is not approved of, it is much better to refer the paragraph back to the committee.

HON. MR. McINNES—I owe it to myself and the House as a member of that committee to make this explanation, that I took strong grounds against this man Davis being superannuated at the early age of 35, and I asked the reasons why the recommedation was made. I will not mention to the House what information I received, but I may simply state that I took strong grounds against the recommendation. I thought the committee were acting wrongly in asking the Senate of the country to establish such a precedent. I hold the same view yet. I am more than surprised at my hon. friend from Alberton, when he insists that this House should accept the report of the Contingent Committee without a thorough investigation. I remember, and others will remember in this House, that only two or three years ago, when the hon. gentleman himself was chairman of the Contingent Committee, and that committee, by a majority of three to one, recommended granting gratuities on the Jubilee year to certain officers in connection with the Senate, he disapproved of the recommendation. The hon. gentleman from Richmond, who, I am sorry to see, is not in his seat to-day, moved that that portion of the report be expunged or referred back to the committee for reconsideration. The motion was agreed to and the report was expunged. In view of that fact, I am rather surprised to hear my hon. friend lay down the doctrine which he has stated to-day.

HON. MR. HOWLAN—I did not establish such a precedent; it was the hon. member from Richmond.

HON. MR. McINNES—If I am wrong I accept the explanation; but my recollection of the incident is, that when it came to a vote the hon. gentleman from Alberton supported the amendment. However, I am not going into a discussion on this point. I can only say that if we adopt this recommendation we will be doing something which we will regret in the future.

HON. MR. POWER—The better way would be for some gentleman who objects to this paragraph of the report to move that paragraphs 7, 8, and 9 be referred back to the committee.

HON. MR. McINNES (B.C.)—In order to justify myself I may say I have been approached by a dozen members asking me to move that the report be rejected. I refused to do so. I said I had done my duty in the committee room and I would take no further part in the matter. I would not have referred to it now if it had not been brought up by the hon. member from Halifax.

HON. MR. HOWLAN—I may explain, in reply to my hon. friend from British Columbia, that in the case to which he referred a few moments ago I was chairman of the Contingent Accounts Committee and introduced the report. Would my hon. friend believe that I would have voted against my own report? The thing is absurd.

HON. MR. McINNES—My recollection is that the hon. member made an explanation in which he demurred to the report.

HON. MR. HOWLAN—The hon. gentleman is astray; I would not oppose my own report.

HON. MR. McINNES—On referring to the minutes I find that I was perfectly correct in my statement. My hon. friend from Alberton not only spoke against the report when he presented it to the House, but I find his name here among those who voted against it.

HON. MR. POIRIER—If what I hear about Davis is true, he ought not to be continued in his present position. However, what I wish to bring to the notice of the House is, that the First Clerk of English Journals, who died recently—Mr. Peter Miller—was appointed at confederation as coming from New Brunswick. While I do not believe in making it a strict rule that every vacancy should be filled by the appointment of a successor from the same Province, the rule has been followed to a certain extent, and I am sorry that the members of the committee who come from New Brunswick did not advocate the claim of their own Province.

HON. MR. McCLELAN—They did.

HON. MR. POIRIER—Then they did not succeed in carrying their point. A New Brunswick man should have been appointed, beginning, of course, at the foot, because I believe in promotion. I have no objection to the gentleman who received the appointment. I do not know him, but I have no doubt he is equal to the position. I am sorry to see that in this House, of late years, appointments have been made in a vicious circle and that due regard has not been paid to the claims of the different Provinces; but other influences have been allowed to prevail. I do not intend this as a protest, but I am sorry that the old rule and precedents were not followed in this instance, and that a gentleman from New Brunswick was not allowed to come in at the foot of the ladder to replace that efficient deceased servant, Mr. Miller.

HON. MR. McCLELAN—My hon. friend from Acadia brings a charge against myself, as a member from New Brunswick, and a little later justifies the course that I took. There was an application for the position from New Bruswick by a gentleman who, for a time, faithfully filled an office on the staff of the House of Commons, and who would have been very glad to have taken the position made vacant by the lamented death of Mr. Miller, who had been appointed in recognition of the claims of New Brunswick at the time of the Confederation. I attempted to set forth at the meeting of the committee that the vacancy really belonged, according to the old order of things, to the Province of New Brunswick, provided a proper application was received. A proper applicant did present his claims—Mr. Richardson, of Richibucto. These claims were ignored by the almost unanimous voice of the committee, on the ground very properly taken by the hon. member from Acadia—that is, the ground of promotion. The position formerly occupied by Mr Miller was filled up in this way and other officials promoted, and hence there was no place left for the applicant from New Brunswick, because when a real vacancy came to be filled the salary being only $600 the applicant could not accept it.

HON. MR. POIRIER—I would ask the hon. gentleman if the applicant would not accept the position at that salary.

HON. MR. McCLELAN—I had no instruction to press the application at that salary. I had a letter from him fixing a minimum amount, and consequently I felt myself entirely justified in not pressing his application any further. I took the only course I could on the committee under the circumstances, while I think the claims of New Brunswick have not been fairly considered in all respects. With reference to the matter before the House, although I took no particular part upon the committee on the question of superannuation as it is termed—and wrongfully termed in my judgment—I felt it was an exceedingly difficult and delicate case. Had there been a division on the committee I should certainly have voted against superannuating a young man 35 years of age without any proofs before us that he was suffering from any infirmity which would justify such a course. I do not think we have any clear proof of inefficiency or misconduct; but certainly if it was either, we would be laying down a a very bad precedent if we superannuated for such a cause.

HON. MR. DEVER—With reference to this matter, I feel that there has been more than one injustice done. This case I must consider as a shuffle of the cards in favor of certain parties.

The Senate divided on the amendment to refer back paragraphs 7, 8, 9, 10 and 11 of the report, which was adopted: Contents, 18; non-contents, 12.

THE SENATE.

Ottawa, Tuesday, March 4th, 1890.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (23) "An Act to incorporate the Belding, Paul & Company, Limited." (Mr. Vidal.)

Bill (M) "An Act to authorize the Toronto Savings Bank Charitable Trust to invest certain funds." (Mr. Sullivan.)

PRIVATE BILLS.

TIME FOR PRESENTING EXTENDED.

HON. MR. HOWLAN, from the Committee on Standing Orders and Private Bill, presented their Sixteenth Report, recommending that the time for presenting reports on Private Bills be extended to the 25th inst. He moved the adoption of the report.

HON. MR. POWER—I think that, as this report is of some importance, it had better stand over till to-morrow, because I think the better way would be for the House to strike from our rules the one which provides for the presenting of Private Bills at a certain time subsequent to the meeting of the House each year. The better way will be to have no rule on the subject at all, or have it read this way—the time for the introduction and presentation of Private Bills shall be that adopted by the House of Commons each Session. I think that the present mode of procedure is simply absurd and altogether inconsistent with the dignity of the House.

HON. MR. DICKEY. I quite concur in what my hon. friend has said as to the farce of constantly extending the rules; but, on this question, I hope he will not oppose the adoption of this report, for the reason that we have been acting as if these teports were made in good time, and it is resirable that nothing should take place do invalidate the proceedings of the House. I think in this case it would be better to adopt the report.

The motion was agreed to.

NEW SENATOR.

HON. PETER MCLAREN was introduced, and having taken the oath and signed the roll, took his seat.

BANKING SECURITY IN THE NORTH-WEST.

ENQUIRY.

HON. MR. BOULTON rose to call

The attention of this House to the advantage of granting to the corporate Banks power to take security upon real estate, or personal estate, or both, for the advance of loans, as a measure that will increase circulation, and materially assist in the development of our agricultural interests by giving to the farmers cheap money for temporary requirements; and ask the Government if they will take the question into their consideration in the framing of the new Bank Act?

He said—I think that an apology is due from me to this honorable House and to the Government for having allowed this notice of motion to remain so long on the paper. The reason of its being so is that I was compelled to go up to the North-West, and not knowing the exact day on which I would return, I was obliged to put it off to a sufficiently distant day to warrant me in being here. In bringing up this question before the notice of the Government I am not doing so at the request of the banks, nor do I know that the banks are asking the power which I have thought it advisable to suggest for the consideration of the Government to-day. At the present moment, the banks have not power to take security upon real estate or personal estate. Although the law does not give the banks power to take security on real or personal property, there is still a way in which they can do so by what I call evading the law; that is to say, if the banks desire to make a loan and take security for that loan, they have the power to accept a draft at a day's date and let it go to protest and then take security. That is one way in which it can be done, but it is not a way which is at all conducive either to the interest of the banks or of the people themselves, to obtain a loan, because the very fact of the note going to protest and of having to give security for it, is an evidence of discredit on the part of the borrower. More than that, the provincial laws, in Ontario at least, and I know in Manitoba, also, provide that the bank which takes a preferential security on a loan in that manner shall not become a preference creditor, but shall rank with all the other creditors of the individual; and, therefore, it is an insecure way for a bank to deal with the matter so far as taking security on personal or real estate is concerned. The interest in which I have brought this question before the notice of this honorable House is that of our North-West farmers. There is a great scope for the use of capital in the North-West, and there is a very great dearth of capital, indeed, in that country. The ordinary system of settlement in that country is such that more capital is very desirable in the interest of the development of our western country. Most of the settlers who go up there are men without means, but with plenty of muscle and physical power to develop the

resources of that western country. They go up there without any means beyond a sufficient amount to purchase a yoke of cattle, a plough, and a few months' provisions, and they find there, ready at their hand, an enormous field of fertile prairie; all they have to do is to turn up the soil and produce a crop. The power of turning up the soil is only limited to the settler by his physical capacity to undertake the work. It is quite possible for him to turn over 40 acres, or 50 acres, as the case may be, and the enterprise of most settlers is such that they frequently turn over more soil than their means will enable them to cultivate properly, and therefore, when they come to put in their crop and harvest it, they are cramped for want of means. It is for the purpose of meeting that practical phase of our western life that I desire that greater banking facilities should be available for the settlers in the west.

Then there is another view with regard to our life in that country; we are only beginning farming there, I may say. The farmer comes up there with nothing but a yoke of cattle and a plough—I mean to say it is so with a large number of our settlers. The other class form an exception to the general rule. These farmers have not been able to pursue mixed farming yet; they have no income except what they get from the annual return by the sale of their grain; they have not begun to cultivate the soil as the farmers in the Eastern Provinces do; they have not the wool harvest in the spring, the lamb harvest in the fall, the Christmas and Easter harvest of cattle, and the grain crop in the fall and monthly harvests during the dairy season. These are all monthly returns which enable the farmer to carry on his work without the necessity of banking capital or advances which we in the west feel are absolutely necessary for the proper development and progress of our western country. As I have said, our farmers are limited to an annual income, and are dependent upon sales of grain alone. At the present moment and under the present circumstances the only available source to which the farmer can go to relieve himself from a temporary necessity, perhaps an absolute requirement in the conduct of his operations, is either to go to one of the private banks, which, I am sorry to say, are increasing rapidly in our western country, or go to a loan company and obtain a loan. Now, both of these are objectionable sources of capital for various reasons. So far as the private banks are concerned, they charge a high rate of interest. Their mode of operating, I believe, is to start in with a small capital, perhaps $4,000 or $5,000, and have an arrangement with one of the incorporated banks to obtain advances, to discount the notes they send in, and leave the margin of $4,000 or $5,000 capital as a security. The bank has to receive its interest, and the banker charges a considerable amount in addition to recoup himself.

Under the circumstances, the undesirable character of that system, and also, I suppose, the monopoly of privileges, so far as private bankers are concerned, the farmers are charged very high rates of interest, running up to 12, 15, and even 20 per cent. That is a great drawback to the farming community. Then, with regard to loans, a farmer will perhaps only require a loan for a temporary purpose, such as purchasing binder twine, or seed for his crop, or temporary assistance to get in his harvest, or he may want to buy four or five steers in order to consume the feed he has and fatten them for sale in the spring of the year, or in some other way to enhance his produce and pursue his industry with the small amount of capital that he has at his disposal, when he has the security to obtain it.

But the loan company will not lend him money for less than a term of three or five years; three years is the lowest that any loan company will advance money for. Then the farmer, in order to secure temporary accommodation, is compelled to put a permanent charge upon his farm, which is undesirable in that country, so long as it can possibly be avoided. Therefore, in that respect, I say that obtaining the capital for temporary purposes through the loan company is an objectionable way, so far as the interests of the farmer are concerned. In addition to this, the farmer may require only $100 or $150, or perhaps only $50 for his accommodation. It is not worth while to put a loan on his farm for that small amount, because the expense of the mortgage ranges from $10 to $25, according to the nature of the title, and therefore, instead of borrowing only $50, or $100, that he really requires, he borrows $300 or $400, and finds himself in posses-

sion of capital that he does not know how to use advantageously. This borrowed money is likely to become a fixed charge upon his farm, and will probably continue to grow until it becomes too great for him to bear; whereas, if he could have borrowed the small sum required for his temporary purposes he would make an effort to pay it off, out of the revenue of his farm, at the end of three or four months. It is under these circumstances that I have brought this subject before the Senate, in the interests of the farming population in the North-West. In that country we have a very valuable law, called the law of exemptions, under which every man who takes up his 160 acres of land is protected in his holding. That was done for the purpose of preserving their homes for the settlers and their families, so long as they choose to remain in the country. It is, as I have said, a valuable law; but it has the effect of diminishing the security of the farmer, so far as his borrowing power is concerned; and that is an additional reason why it is very difficult indeed for farmers to get accommodation or capital to any extent without being able to give some security or obtain some commercial name, which is a very difficult thing indeed to do in our western country. I think, myself, that it is not an objectionable thing in the interests of the farming community that we should extend to them the same privileges and advantages that the commercial community at large possess with regard to banking facilities. It is very necessary that the farmers should be educated to the proper use of their money in their daily avocation. They should be educated with regard to the management of their income and the way of spending it. Some farmers, when the crop is good, will spend the whole of their money, and the consequence is that when the crop is bad they have perhaps contracted extravagant habits and they feel the hard times pinch them. A system which would educate them to distribute their income over a series of years, according to what they believe the capacity of their farms will produce in an average year, or anything that will conduce to that, is an advantage to the farming community, especially of the west, which we are establishing there on those broad prairies, and which is growing to such enormous proportions. I find, myself, from my experience in that country, that there are farmers who come up from the Eastern Provinces—good, able men—who have accumulated large sums of money, or rather accumulated valuable property in the east, and in consequence of their experience have been able to put into their calling $4,000 or $5,000—many of these people come to the North-West and find themselves quite at sea as to the best way of investing their money. It melts from them much more rapidly than they have any idea of, and soon they are left without any of the resources accumulated in the east, and they have to commence over again. That is because most farmers have not been educated to the ordinary commercial value of money.

Another view is this: out in our western country the loan companies are exceedingly conservative in their operations. They have certain rules which they will not depart from, and one of these rules is, that they will make no loan to a farmer unless he is within a certain distance of railway communication. The consequence is, that there is a very large class of people in the North-West that are entirely cut off from any facility to assist them in their operations or to tide them over a difficult period. The hardest time in a farmer's life in a western country is the first five or six years that he is residing there. According to our experience, it takes a man in that country, who has had very little experience in farming, very nearly ten years to become what you might call a prosperous and self-sustaining farmer, in the general sense of the word. Nearly all the farmers and settlers who come out to that country want assistance for four or five years; they generally exhaust the whole of their means in reaching the country and establishing themselves upon their farms, and after they have been there a couple of years almost every farmer in the country, from one reason or another—often for want of experience with regard to the country or want of assistance of one kind or another—may need to borrow.

A failure of the crops will come and catch every farmer in a bad time. The drought of last year brought about quite a failure of some crops, and many of our farmers are left there without means to support themselves and tide over a very difficult period in their lives. It is to meet

these difficulties and assist farmers in that respect that I bring this question before the Government, as one of very great importance to our western country and its proper development, and the success of the farming community which is established there. The security upon real estate and personal estate is a system which is in vogue in England. I know that an argument that is used in opposition to the proposal that I have the honor to make is that it has been tried before in this country and has proved a failure. Well, I think there are various reasons why we might consider that that failure would not occur again, because it was in the early development of Canada, when the people who had the management of our banks, and put their capital into our banks, had very little experience in commercial operations in Canada and they locked up a large amount of money in real estate, which brought disaster upon some of the banks. But I think that that period has passed by. The same reason is not a valid one now, because we have in Canada a very large staff of bankers who are thoroughly posted and thoroughly acquainted with all the operations necessary to carry on a sound banking institution upon. The danger that arose in those days I think will not arise again. In fact, I think that withholding the power from the banks is a reflection upon the capacity of our bank managers and a reflection also upon the capacity of the farming community generally. It is tantamount to saying that they are not fit to be entrusted with the management of money, as other commercial industries in the country are. For that reason, I feel, that it would be a very great advantage to our farmers in the west if the Government would take this matter into their consideration. There is room at present in the North-West, for at least $2,000,000 additional banking capital, which can be used with profit to the bank and to the capitalist, and to the farmers themselves. But the farmers are excluded entirely from the use of any banking capital, in consequence of the fact that the banks will not loan to farmers upon their personal security unless they get a commercial endorser to assist them. As I said before, this is of great importance in our North-West country, because our commercial industries are in their infancy at the present moment. Our system of land titles there is what is called the Torrens system. A man obtains the Torrens title from the provincial Government for his lands and the character of this Torrens title makes it an evidence of security in itself.

In order to transfer, or mortgage, or deal with that land in any way, the title itself must be produced, and therefore under these circumstances a farmer who is in fair standing and to whom the banks would be willing to loan money has only to bring his Torrens title to the bank and deposit it in the safe, with some short formula, which shows the purpose for which it is deposited, and he obtains his loan of $100, $150 or $200, as the case may be. As that can be done without any legal expense to the farmer of any kind or description, it would be easy and a very great advantage to extend that privilege to the farming community in our North-West country. It might be limited in the same way that our chattle mortgages are limited. They are no security if they have been one year in existence without renewal. The security might be put in that way, or might be surrounded with any safeguards considered necessary in the commercial interests of the country; but at the same time I would like the Government to take into consideration the question I have brought before them. Knowing that country and the needs of its people, I am confident that it would add greatly to the prosperity of the farmers who are there, that it would greatly develop the country itself, and this development would react upon the whole Dominion through the increased production of Manitoba and the North-West.

It would not be an injury to the loan companies, because anything that would increase our prosperity would add to the prosperity of every one who conducts commercial transactions of any kind in the country. At the end of five or six months, if a farmer found he was not able to pay the loan, he could then apply to a loan company and put a fixed charge on his farm. Anything that will help to give our young men a taste for the noblest pursuit the country has to offer to its industrial population is to be commended, and when a young man sees before him the opportunity to raise himself from a 50 acre farm to a 500 acre farm by using the resources of the country in a thrifty and industrious manner, with good judgment, many will

commence to follow the plough who now wander off to the cities of the United States. All that I am asking for is that some facilities may be given to our western country to enable the farmers to obtain small loans for short periods at a moderate rate of interest, and I therefore respectfully ask the Government if they will kindly take into consideration the suggestion I have made, on behalf of the farmers in the North-West, in dealing with the Banking Act this session.

HON. MR. ABBOTT—I can assure my hon. friend that the important subject to which he has called the attention of the House has received, and is receiving, the most careful consideration of the Government; but as my hon. friend knows, this is one of the decennial crises in the banking interests of the country. A Bill is being prepared and will very shortly be introduced into the House of Commons by the Finance Minister. The Government consider that it would be inexpedient at the present moment, before the Finance Minister is prepared to develop his plans in the House, to disclose the principles which will govern them in the preparation of the legislation which they propose to place before the House on this subject.

GOLD COINAGE IN CANADA.

MOTION.

HON. MR. McINNES (B.C.) moved the following resolution:—

Resolved, as the opinion of this House, that it is both desirable and expedient that the Government should immediately pass a coinage Act and establish a mint.

He said: I am sorry that the duty of calling the attention of this House and of the Government to this most important subject has not fallen to some one else better qualified to do it the justice it demands. However, as no one else has seen fit to suggest the propriety of establishing a mint and having a gold coinage of our own, I take the liberty of doing so, coming as I do from the great gold and silver producing Province of the Dominion. Naturally I take, probably, a deeper interest in this subject than hon. gentlemen coming from the Provinces that are non-producers of the precious metals. I hope to place before the House such data as will cause them to agree—if they are not already prepared to agree—with the resolution now before the House, and to support me to the utmost extent. However, before I do that I must deal with the question of the jurisdiction of the Parliament of Canada with reference to coinage. A few days after I gave notice of this motion several hon. gentlemen in this House, among the number the hon. member who has been leading the Senate for the last two or three weeks in the absence of our respected leader—who I am very glad, and I am sure all of us are glad, to see back amongst us again—who expressed a doubt as to the jurisdiction of the Dominion Parliament on this subject. Up to that time it had never occurred to me that we had not the power under the 14th subsection of the 91st section of the British North America Act. However, that induced me to look into the matter more carefully and consult all the authorities with respect to coinage that I could get. The result of my investigation is as follows: I find that the first attempt made to pass a coinage Act by the Parliament of Canada was in 1850. That Act received the assent of the Governor General contrary to the instructions from the Crown, and the consequence was that that Act was disallowed. Hon. gentlemen will find it in the Sessional Papers of 1851, in Appendix YY of that year. I find that the next step taken towards the passing of a coinage and currency Act by the Parliament of Canada was in 1868, and in 1871 the Parliament of Canada passed Acts expressly reserving the prerogatives of the Crown. I will ask hon. gentlemen to refer to 31 Vic., chap. 46, and 34 Vic., chap. 4, respectively. Again the next step that I find taken by the Parliament of Canada was in 1887. This was in connection with the proclamation of 1877, to be found in the Statutes at page 61, with respect to bronze coinage, and the hon. gentleman from Ottawa, who was then Secretary of State, signed that proclamation. That was allowed. The next thing I will call your attention to is section 91 of the British North America Act, which undoubtedly gives jurisdiction to the Parliament of Canada to establish a mint and to issue any coin they see fit. The question is now, what rights have the Canadian Parliament under section 91 of the British North America Act? Can the Parliament of Canada interfere with the Queen's prero-

gative in this particular? I think that they can, for the following reasons: In 1888 the Canadian Parliament passed an Act providing that no appeal should be brought in criminal cases from a Canadian court to any British court of appeal, notwithstanding any royal prerogative—and I would in this connection refer hon. gentlemen to Bourinot's "Federal Government in Canada," page 66. This Act, in consequence of a most able appeal and the powerful arguments of the present Minister of Justice, was allowed. I would refer hon. gentlemen to the Paper No. 77, especially pages 4 and 5, of 1888. Another evidence that we possess the undoubted privilege is in the fact that no instructions are now given to the Governor General, as was the case previous to 1867, when the British North America Act was passed. In that connection, I would refer hon. gentlemen to "Bourinot's Procedure," pages 569 and 574, and also Sir John Thompson's argument on the Canadian Copyright Act of 1889, where he shows the complete jurisdiction of the Canadian Parliament over all subjects in section 91. I have not seen the report itself, but have read the substance of it in the Toronto *Empire* of the 11th February last. Now, under the British North America Act, we have much wider and larger privileges than we had previous to Confederation; and so satisfied is Dr. Bourinot—and I think you will agree with me that he is as well qualified as any gentleman in this country to express an opinion on a constitutional question—that I have his authority to use the following to which he has attached his name: He says: "In view of all the arguments contained in the foregoing authorities as to the large powers given the Canadian Parliament under section 91 of the British North America Act, 1867, it seems clear that Parliament can legislate freely on the subject of currency and coinage subject, of course, to the general power of disallowance by the Crown over all colonial legislation." I hope that that will remove any doubts as to the constitutional question. The next thing I shall call your attention to is the fact that as early as 1862 the then Crown colony of British Columbia had a mint in New Westminster. That mint was established there under Imperial authority; but I am sorry to say that through the jealousy of the late Sir James Douglas, then Governor of the colony, influenced by the residents of Victoria, the Imperial authorities were prevailed upon to discontinue the minting. A few coins were struck off, and it is only within the last seven or eight years that the balance of the plant in connection with that mint was removed. In Australia, nearly thirty years ago, two mints were established—one in Sydney, in the colony of New South Wales, and the other in Melbourne, in the colony of Victoria. These mints, I believe, have received their authority from the Imperial Parliament to coin. However, it is quite evident that we have the power, irrespective of any reference to the Imperial Parliament, to establish a mint; and I think, in view of the fact that we had a mint in British Columbia when there were only a mere handful of people at the time, we ought to exercise that power and establish a mint and have a Canadian gold coin. In the United States they have three mints. The main one is at Philadelphia, and two branches—one in San Francisco and the other in New Orleans. I will now refer to the very large amount of gold that Canada has produced within the last thirty years. The Province that I have the honor of coming from—British Columbia—has within the last twenty-nine years produced, according to the Sessional Journals of the Legislature of British Columbia, $51,599,957. I find according to the early Journals of the Legislature of Nova Scotia—where gold was discovered early in the winter of 1860—that previous to Confederation and from Confederation up to the present time the Province has produced about ten millions of gold. Now, here we have no less than sixty-one or sixty-two millions of dollars that this country has produced which has been exported, and not one ounce of which has been coined and put in circulation in our country. I learn from most reliable information that our gold miners out in British Columbia, who produce that gold, lose from 5 to 6 per cent. on all their gold dust and nuggets by the cost of transportation down to San Francisco, where they sell it. Now, I contend that such should not be the case. I contend that as we acknowledge gold to be a legal tender here—not only British gold, but United States gold—it is too bad that the country like Canada, extending over the greater portion of the continent of North America, with an area nearly as large as

the whole continent of Europe, and with possibilities almost as great as those of Europe, should be dependent upon other countries for its gold coin.

I will now refer to the very large profits that the Government of the United States, and even the Government of Canada, make on coinage. I will refer you to the Public Accounts ending the 30th June last, and to the report of the Deputy Minister of Finance. In examining the report you will find, at page 10, the following:—

"The cost of the management of the Department during the year was as follows:—

Salary of the head of Department....	$ 7,000 00
Salaries of the departmental staff.....	52,090 71
Contingencies.....	10,749 73
	$69,840 44

"The profit derived from the silver coined amounted to $52,774.21, an amount more than sufficient to cover the salaries of the staff."

HON. MR. KAULBACH—Is that the Finance Department that is referred to?

HON. MR. McINNES (B.C.)—Yes; the Finance Department. So that on the Canadian silver that we have in circulation the annual profits made by this Government amount to over $52,000, or enough to cover the entire cost of the Finance Department, with the exception of the salary of the Finance Minister.

HON. MR. KAULBACH—This coinage would not be every year.

HON. MR. McINNES (B. C.) — They make that profit every year. If it is not so, I hope hon. gentlemen will look into the matter and put me right, because I do not wish to give the House anything that is not strictly correct. Now, I will also refer the House to the annual report of the Secretary of the Treasury at Washington, and we will see what has been done there.

HON. MR. HOWLAN—For what year?

HON. MR. McINNES (B.C.)—Last year. I think their year is the calendar year, and does not end in June, as our financial year does. However, it is for 1889. It states, on page 72 of that report, that the profit on the coinage of silver for ten years to the close of the fiscal year 1889 aggregated $57,378,524.18. The prices of silver, the earnings and the expenditure, are given. The earnings of the mints from all sources during the fiscal year aggregated $10,351,701.47, while the expenditure and losses of all kinds amounted to $1,502,665.60 leaving a net profit of $8,849,035.87. In another portion of the work (I cannot lay my hand on it just now) it is stated that within the last eleven years the Government of the United States, on coinage alone, without any reference, it appears, to copper or bronze, has saved $80,000,000. For instance, it gives here the product of the mints of the United States for last year. The value in gold was $33,175,000 and in silver $43,020,000. The commercial value of that silver was $43,020,000, but the coined value was $59,195,000.

HON. MR. WARK—Is that silver in circulation?

HON. MR. McINNES (B.C.)—Yes; silver in circulation.

HON. MR. MACINNES (Burlington)—I think the silver coined at the mints in the United States costs about 80 cents, and is issued at $1.

HON. MR. McINNES (B.C.)—Yes; that is the idea.

HON. MR. MACINNES (Burlington)—That is not wholly in circulation. As I have said, in the United States they get 100 cents for what costs them 80 cents, by means of silver certificates, and this silver currency is placed in the United States vaults, silver certificates being issued against the silver so deposited. There are about three hundred millions of their silver certificates now in circulation in the United States and pass current at their face value.

HON. MR. McINNES (B.C.)—I am not prepared to say whether that is owing to the silver certificates or not, but as a fact I may tell the hon. gentleman that American silver coin is just as pure as British or Canadian silver coin. The intrinsic value of our own silver coin is eighty cents to the dollar, coin value. But how will any hon. gentleman here get over the fact that our own Deputy Finance Minister, in making his report to the Finance Minister, states that there was a net profit to the Dominion Government of $52,774, last year. We have certainly no silver certificates in Canada. I find in another place here it is stated that the gold and silver in the world is estimated by the Directors of the Mint to have been for the same year: in gold,

$105,994,150; in silver the commercial value was $103,556,260, and in the coin it was $152,457,000. On that sum alone it is reckoned that the coined silver is worth nearly $40,000,000 more than the commercial value. I have not been able to ascertain what the profit on our copper or bronze coin has been, but if it is great on silver and gold, especially silver, it must be still greater on copper. Now, the possibilities—not only possibilities, but probabilities, of the output of gold and silver in the Province of British Columbia in the near future, say five years, I believe, will amount to four or five millions of dollars, or probably ten millions of dollars a year.

HON. MR. SCOTT—That is a broad statement.

HON. MR. McINNES (B. C.) — Hon. gentlemen may think so, but by reference to this Blue Book, it will be seen that the production of gold in British Columbia in the early years of gold mining was about four millions of dollars annually, and now that our gold and silver quartz ledges are being developed under a new system and the mining industry being assisted by the Local Government, I believe it is no stretch of imagination to say that we will be producing four or five millions of dollars, or probably more, of gold and silver every year.

HON. MR. POWER—Might I ask the hon. gentleman does he propose to coin all that?

HON. MR. McINNES (B. C.) — No; there would be no necessity to coin all, but I certainly think we ought to coin as much of it as the commercial necessities of our country demand. Even if we do not coin all, yet our mint would buy up our own gold and silver, and give the producers very much more for it than if it were shipped to foreign countries for them to make a profit out of them.

HON. MR. DEVER—Had we not better issue paper, that does not cost us anything?

HON. MR. McINNES (B. C.) — I may be allowed to digress for a moment, and call the attention of the leader of the Government to the necessity of admitting all gold mining and silver mining machinery free of duty, until such time as we develop our quartz mines in British Columbia to such an extent that Canadians will go into manufacturing mining machinery, which is not made in this country at the present time. I know that in stating this I have the full endorsation of every representative of British Columbia, who has any knowledge at all of mining, and I hope that my hon. friend from Cariboo, who lives right in the very centre of the great gold-producing region, will say a few words in endorsation of what I have stated.

HON. MR. McKAY — What will the Nova Scotians say about that?

HON. MR. McINNES (B.C.)—I think Nova Scotia is quite able to take care of herself, as she has always been able to do in the past. I want the Government now to extend a little encouragement to an industry that promises to develop to almost any extent on the Pacific coast. There is no country worthy of the name of a nation that is without its own gold coin. In Canada, with a population of over five millions, and producing the precious metals in large quantities, we have no mint and no gold coin of our own. A Canadian gold coin would be one of the best advertisements we could have. At the present time, as I have stated, we are entirely dependent for our gold coin upon Great Britain and the United States. I am informed that most of the banks do not care about having British gold if they can get American gold. Whether that is owing to the fact that the American currency is similiar to our own or not, the fact remains that nearly all the gold in the vaults of our Canadian banks is of American coinage. We should not be in that position. We should have our own gold in the vaults of our banks. Again, I contend that by establishing a mint in Canada it would be only in the line of carrying out still further the National Policy adopted in 1879. I see no good reason why we should not establish a mint and give employment to our own people, and whatever profits may accrue from the mintage should go to the Government of this country. As far as the cost of establishing a mint is concerned, I may say that the one we had in New Westminster cost only $35,000—a mere bagatelle—and if a mint, with its building and everything complete, would cost only that much, or say even $50,000,

the Government could not appropriate that amount of money to a better purpose.

HON. MR. POWER—We could turn over the printing building to them.

HON. MR. MCINNES (B.C.)—No; I have no desire to turn over the printing building here in Ottawa to them. I contend that where the precious metals are found in such quantities is the place where the mint should be. It should be established in the very town that had the honor of having the first and only mint that ever existed in a Canadian Province. However, that is a matter of detail. I am anxious to see a mint established, no matter where we have it, in the Dominion of Canada. If we have it out in British Columbia so much the better. But let us show the world what we are doing here, and that we are assuming the proportions and responsibilities of a nation. By endorsing the resolution that I now submit to the House you will contribute very largely to that end.

HON. MR. KAULBACH—I was asked this morning by my hon. friend from British Columbia to second his motion, and I have done so. At the same time, there is an objection to increasing any further the Government departments or institutions of the Dominion, and more especially with regard to a mint, which requires, no doubt, very great safeguards. It would involve not only great safeguards, but supervisory powers and the employment of highly skilled labor. If established at all, it should be under the supervision and control of the Government. Our paper notes are printed by contract, and the work is done, I believe, in a satisfactory way; but coinage could only be done properly under the supervision and responsibility of the Government. My hon. friend suggested to me the question whether this was a subject that ought to come up in the Senate—whether it might not come more appropriately from those who have more to do with the money of the country. But it is before us now, and I am in favor of the suggestion that my hon. friend makes, that we should have in this great country, which produces the precious metals in such abundance, a coinage of our own. Anything that will tend to advance the price of gold in this country shall receive my hearty support. My hon. friend has done justice to his own Province in describing the production of gold there, but he has not done equal justice to Nova Scotia. I have figures here to show that last year Nova Scotia produced more gold than British Columbia. We know in our Province that there is a great loss, not only in the transhipment of the gold to the United States, where all of it goes, but in passing through the hands of brokers and others on the way. The loss to the gold-producer is about 5 per cent. If the gold could be coined in Canada it would be a saving, not only to the Province, but also to the miner. If it is true, as the report of the Deputy Minister of Finance states, that the saving to this country on the coinage of silver is $53,000 a year, that is an advantage which ought to be well considered by our Government in deciding whether we should establish a mint. I agree with my hon. friend that nothing will confer a greater advantage to Canada and prove a better means of advertising the importance of this country abroad than the establishing of a mint. It will show that we are not only able to produce our own metals but to coin them ourselves. It will greatly increase the importance of this country. I am glad that my hon. friend is coming to share our views of the importance of the resources, the capabilities and the future prospects of Canada, and that he is to some extent a strong supporter of the National Policy. I thought my hon. friend was wavering on that question of late years, but I am glad to see that he is returning to his first love. I hope he is sincere, and that by his actions he will prove his fidelity to the sound policy on which the prosperity of the country is based. The hon. gentleman has put this question before the House in a clear and forcible manner, and I hope that his views will prevail. I admit that it would be more appropriately brought up in the other House, but since it has not been forced upon the attention of the Government where it should have been, I am glad that it has been introduced here. The Finance Department should have moved in this matter and suggested some policy, and I shall therefore support the motion.

HON. MR. BOULTON—I should like to endorse the motion of my hon. friend from British Columbia in so far as it relates to the admission of mining machinery free of

duty. We have in the Province of Manitoba valuable mining districts which are receiving a great deal of attention, and there is a considerable amount of machinery being imported. When I was in that district the other day, I was requested to press on the attention of the Government the subject of admitting mining machinery free of duty. Such machinery is not manufactured in Canada, and the revenue of the country is fortunately in that position that it can do without the duty levied on that particular branch of our industries. The development of our mining industries is a most important question. We have an enormous amount of hidden wealth in the country, and every encouragement should be given to those who are taking part in the development of our mining industries. So far as the question of coinage is concerned, I cannot express an opinion upon it, but anything that would promote the mining industry is, I think, worthy of the consideration of the Government.

HON. MR. MACINNES (Burlington)—I do not rise to make any speech on this subject, but I should like to draw the attention of the House to the fact that a large part of the profit made by the United States on the coinage of silver is by the issuing of a debased coinage. I think the House is indebted to the hon. gentleman for the very interesting speech he has made. It is a most interesting subject. What the profits would be on the coinage of silver or gold in this country I am not in a position to say. With reference to the other subject to which he alludes—that of the admission of mining machinery free of duty—I know that a very large part—in fact, nearly the whole of the machinery—that is required for mining purposes is manufactured in Canada. It is true that our manufacturers do not keep a stock of this machinery on hand, but they are always prepared and ready to accept an order to manufacture it. I believe there are one or two of the articles required for mining purposes which are not made in this country, and perhaps it would be advisable to make an exception in favor of such machinery as we cannot and do not make in Canada.

HON. MR. REID (B.C.)—After the remarks of the hon. gentleman from New Westminster, I desire to say a few words on one of the subjects to which he has referred. I am glad that he has brought this matter up, and I can support what he has said, not because of any great necessity for a mint, but for what the discussion may lead up to—that is, drawing the attention of this House and the country to the importance of the mining industries, not only of British Columbia, but of all the Provinces of this Dominion. More especially I will endorse the remarks he addressed to the leader of the Government as to admitting mining machinery free of duty for a short period. As to the remarks of the hon. gentleman from Burlington about the manufacture of mining machinery in Canada, I have made inquiry, being more or less interested in that industry, and I find that there are some kinds of machinery manufactured in Canada; but if I were to give an order to anyone in Canada for plant to reduce the gold ore in British Columbia I would have to come over here and superintendent the whole matter myself. I know that I would not get what I require unless I came. When I send to San Francisco for plant for certain kinds of ores, that is all that is necessary. I get the machine in its entirety—there is not a piece lacking. I have been for the last year trying to get the prices of different mining machinery. There are some articles that are known in British Columbia by their own peculiar names, and if I should send an order to manufacture them in this part of the country the manufacturer would not know what I wanted at all. For instance, in hydraulic mining, if I were to ask for a monitor of a certain size they would ask me what a monitor was; they would think it was something used in naval warfare. I would have to go and explain. In fact, they do not know anything about it. It is true they manufacture ordinary gold stamp mills. I do not know even in Ontario where they are manufactured. I think the least the Government could do to encourage this industry, which is a very large one and has not had the attention of this House and the country that it deserves, is to admit mining machinery free of duty. I fully endorse the remarks of the hon. gentleman from New Westminster, not, as I said before, because of any immediate necessity of a mint, but as a means to an end.

HON. Mr. ABBOTT—I must confess that I do not myself feel competent to discuss

the effect that might be produced upon the financial system of the country by the establishment of a mint and the creation of a gold coinage. It seems to me that the motion of my hon. friend from British Columbia opens a very wide field of consideration on financial questions, which, I must confess, I do not fully understand myself, and would not undertake to discuss in this House before so many gentlemen who have a thorough training in banking and financial matters. I should have been very much pleased if some of these gentlemen had expressed their opinions on the subject. However, I must say that one of the most important features of our financial system is the issue of Dominion currency. This Dominion currency, it seems to me, if we were to coin gold, would either be largely replaced by that gold coinage, or the coinage itself would be useless. If we had enough gold coinage to make it worth while to establish a mint —which I agree with my hon. friend from Nova Scotia would have to be under the management and control of the Government itself—if there was any amount of coinage, such as would suggest the necessity of establishing a mint, it is plain that it would be a substitute to a large extent for the Dominion currency which is now being issued by the Government, and which, of course, it is an advantage to the Government to have in circulation. There are several momentous questions that turn upon that, it seems to me, which my hon. friend has not discussed, and which I think would require very careful and mature consideration and discussion. He thinks that the coinage of gold in this country would increase the value of gold. I think—and I say it with deference to hon. gentlemen that I see around me and before me who understand financial questions better than I do —that it would have no effect whatever on the value of gold, because that is not determined by any nominal value we might choose to give it in a coinage that we might issue. There would not be enough gold consumed in that coinage to raise the price of gold over the globe, and that is the only way in which the issue of gold coins in this country could raise the price of gold for the benefit of its producers—that is to say, so much of it would be taken out of industrial use and placed in circulation as to raise the price of gold over the face of the earth. Again, I say I am not competent to discuss a question of that description. It appears to me that the answer to the suggestion is plain, that we could not use, and would not require to put in circulation, gold enough to affect the price of gold throughout the world—that is to say, to diminish the supply of the metal for industrial purposes throughout the world. There are other considerations. What is the object of tying up our gold in tokens for circulation, when we issue tokens for circulation which are of equal value, equally useful, more portable, and which do not render entirely useless and unproductive a large quantity of valuable material? Four or five millions of gold coinage would simply render that much material useless and valueless, except as a token in exchange for merchandise or compensation for services. Our Dominion notes suffice for that purpose, and the gold can be used for industrial purposes, for the production of things which are valuable, and in the production of those things a great number of people can be employed and thus add, of course, to the resources of a vast number of persons. As a gold coinage it is no more than buttons or chips. It serves as a conventional equivalent for an equal amount of merchandise, or an equal amount of indebtedness, for which purpose our Dominion notes, which cost nothing more than the production of them, are equally valuable.

HON. MR. MCINNES (B.C.)—What is the amount of gold required by the Government to be held in the banks at the present time—foreign gold? My proposition was, that the foreign gold should be replaced by gold of our own—gold of Canadian coinage.

HON. MR. ABBOTT—My hon. friend says he wishes to replace foreign gold in our banks by gold of our own. If we get foreign gold and put it in our banks we have to pay for it, and we would have to pay for our own gold. I do not see what advantage is to be gained by the substitution of a coinage of our own for a foreign coinage in the banks, unless, as I said before, the coinage of so much gold would take out of the markets so much gold as to increase the value of gold in the world. Then it would be of use to the miners in British Columbia and Nova Scotia, but

unless it does, I cannot myself see what advantage there would be in going to the large expense of establishing a mint for the purpose of coining four or five millions of gold, or more—I do not know exactly how much is held by the banks and by the Government—but whatever the amount may be, it cannot be very enormous, and the expense of establishing a mint would undoubtedly be large, and unless we issue a debased coinage, as the United States did with reference to their silver, every dollar of which is worth really (intrinsically) only 80 cents, I do not see where we could make any profit in coining gold. However, these are only very crude and probably very absurd ideas of mine on the subject. It is one so large and so important that it would require careful discussion and consideration with reference to a great many subjects which my hon. friend has entirely omitted to notice. The subject is one that is peculiarly within the province of the gentleman who has charge of the financial interests of the Dominion, and on which it would be well, if the idea were seriously entertained, that we should have his views at length; and probably the proper source from which we should take this subject for consideration would be from another House, which is peculiary charged with the financial business of the country, and where persons have made that financial business their study, of whose opinions we might avail ourselves, to greater advantage, perhaps, than by discussing the subject in this House, which is not competent to initiate financial matters, and does not usually deal at any length with such matters. I may say that the Government have had the question of the establishment of a mint under their consideration, and that they are decidedly of opinion that it would not be expedient, or in the interests of the country at this moment, to take the step which my hon. friend suggests in his motion. Perhaps my hon. friend would not press the resolution.

HON. MR. McINNES (B.C.)—I just want to make a remark or two in reply to what has fallen from the leader of the Government. He wishes this House to believe that this matter is really not within our prerogative—that this subject of coinage peculiarly belongs to the other House. I certainly cannot take that view. In the other House, as a general thing, the members are much younger in years and in experience than in the Senate. I believe if there is a body at all competent to deal with a question of this nature it is to be found within these walls. I am sorry that the leader of the Government has taken the view that it is inexpedient to proceed with this motion. However, I feel that I have done my duty and I hope that the hon. gentleman who leads this House so ably will, before another year rolls by, change his views on the subject.

HON. MR. POWER—It is possible that there may be a change of Government.

HON. MR. McINNES (B.C.)—Possibly; but I think that is scarcely probable in another year. However, as I find that the leader of the Government is opposed to it for the present, I ask permission to withdraw the resolution, but I do not intend to let this matter drop. I shall add to the little knowledge I have on the question, and if I am spared another year I shall re-introduce it in some form, unless the Government in the meantime become converted to my view and adopt it.

The motion was withdrawn.

BILLS INTRODUCED.

Bill (32) "An Act to incorporate the Grand Orange Lodge of British America." (Mr. Clemow.)

Bill (72) "An Act respecting the Summerside Bank." (Mr. Howlan.)

VAUDREUIL AND PRESCOTT RAILWAY CO.'S BILL.

FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (58) "An Act to change the name of the Vaudreuil and Prescott Railway Company to the Montreal and Ottawa Railway Company."

The Bill was read the first time.

HON. MR. LACOSTE moved that the 41st Rule of the House be suspended so far as it relates to this Bill. He said: My reason for making this motion is to expedite the passage of the Bill, the object of which is merely to change the name of the company. The Bill is of very little importance to the public, but very important to

the railway company itself. Part of the road is now built, and the company is very anxious to have its debentures issued. I am told that in a few days His Excellency, or the Deputy Governor, will come to sanction some Bills that have already passed this Session, and the promoters of this Bill would like to have it passed, so that it may be sanctioned at that time, and enable them to negotiate their debentures on the London market.

The motion was agreed to, and the Bill was read the second time, under a suspension of the rules.

OFFENCES AGAINST THE LAW OF MARRIAGE BILL.

WITHDRAWN.

The Order of the Day being called—House again in Committee of the Whole on Bill (F) "An Act respecting Offences against the Law of Marriage,"

MACDONALD (B. C.) said: In view of the legislation promised by the Minister of Justice in another place, I ask permission to withdraw this Bill.

The Bill was withdrawn.

LAND SUBSIDIES TO RAILWAY COMPANIES AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (43) "An Act to amend the Act 52nd Victoria, Cap. 4, intituled: 'An Act to authorize the granting of Subsidies in Land to certain Railway Companies.'" He said: this Bill is simply to correct an error in an Act of last Session, in the name of the company to which the land grant was to be given. The subsidy was intended to be given to the Alberta Railway and Coal Company, and the words "North-Western Coal and Navigation Company" were used in error. It arose from the ignorance of the person framing the Bill, of the country through which the railway is to run.

HON. MR. HOWLAN—This is an extraordinary Bill. It gives a large quantity of land to one company when the land grant was intended to be given to another. Here is an Act that has been before the Railway Committees of the two Houses, and before both Houses, and received the sanction of the Governor General; and now, twelve months after its passage, we are called upon to declare that the land grant was not intended to be given to the North-Western Coal and Navigation Company. There must be some shareholders of the former company who have some interest in this land; and yet, without any previous notice or explanation, beyond the explanation we have heard from the leader of the Government, we are asked to convey this land to the Alberta Railway and Coal Company.

HON. MR. DICKEY—I should like to ask the leader of the Government if I am correct in my knowledge of this matter as Chairman of the Railway Committee. I am under the impression that this Alberta Railway and Coal Company is substantially the same line of railway, and that the company is now acting under a different name. The point is this: whether this is an additional subsidy, or whether it is merely a substitution for a subsidy that was granted last year to another company under a different name.

HON. MR. ABBOTT—My hon. friend will perceive, by looking at the Bill, that this is not a new subsidy. Whether these two railway companies are identical as to their incorporation or as to the locality through which they pass I am really not in a position to say; but when the Bill comes before the House in committee I will be in a position to answer the question that my hon. friend raises.

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

THIRD READING.

Bill (53) "An Act to amend the Public Stores Act," passed through Committee of the Whole without amendment, and was read the third time, and passed.

NEW BRUNSWICK RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. BOTSFORD moved the second reading of Bill (49) "An Act respecting the New Brunswick Railway Company." He said: This a Bill to authorize this company to issue consolidated debenture

stock for the reasons mentioned in the preamble. They have acquired some five railways connected with their line, assuming their liabilities. They ask for power to issue a certain amount of consolidated debenture stock, and provision is made to secure the creditors of those several lines. The mileage of lines under the control of the New Brunswick Railway Company is about 440 miles. The Bill does not interfere in any way with the security which the parties have who hold the debentures of these several railways. Every precaution is taken to protect all private rights and promote the public interest. I may add that the New Brunswick Railway Company has conducted its business in the most regular manner, and in the interests of the part of the country through which its line runs.

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

The Senate adjourned at 5.40 p.m.

THE SENATE.

Ottawa, Wednesday, March 5th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported without amendment from the Committee on Railways, Telegraphs and Harbors, were read the third time, and passed:—

Bill (46) "An Act to incorporate the Mount Forest, Markdale and Meaford Railway Company." (Mr. Dever.)

Bill (26) "An Act relating to the Canada Southern Bridge Company." (Mr. MacInnes, Burlington.)

Bill (25) "An Act respecting the North-Western Coal and Navigation Company, Limited." (Mr. Vidal.)

Bill (51) "An Act respecting the Hereford Railway Company." (Mr. Cochrane.)

Bill (59) "An Act to change the name of the Vaudreuil Railway Company to the Montreal and Ottawa Railway Company." (Mr. Lacoste.)

MANITOBA AND NORTH-WESTERN RAILWAY CO'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (50) "An Act respecting the Manitoba and North-Western Railway Company of Canada," with amendments.

He said: The head office of the company, by the original charter, is at Winnipeg, but the company have been in the habit, having given due notice, of holding meetings there and then adjourning occasionally to one of these three cities that are named in the amendment—that is to say, Ottawa, Montreal or Toronto. But having no power to do so specially by the charter, they desire that this power be given, and by the first of these amendments the power is given, for the reason that a great many of the shareholders of the company live in these cities, Toronto, Ottawa and Montreal. Then the company ask that the proceedings which have hitherto taken place be rendered valid. We passed that clause, but validating so far as these proceedings may have been invalidated in consequence of the meetings having been held at other cities than Winnipeg. We were careful in the committee not to have any retroactive legislation, except to the extent I have mentioned. The amendments received the unanimous consent of the committee, and I see no objection to the House adopting them.

HON. MR. PERLEY moved that the amendments be concurred in.

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

THE CANADA EASTERN RAILWAY CO'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (48) "An Act respecting the Northern and Western Railway Company of New Brunswick, and to change the name of the company to the Canada Eastern Railway Company," with amendments.

He said: The first of these amendments is to strike out four unnecessary words

which were put into the Bill and which would rather tend to make confusion. The second amendment arises in the clause which continues the liability of the new company under the change of name for all the acts of the old company. The Bill, as it came to us from another place, contained no clause preserving the rights of parties under agreements made by the company, and we were asked to do that, and supply the deficiency in the Act as it came from the House of Commons, a not unfrequent occurrence, I am bound to say, with regard to these Bills when they come to us. This is a very important point, and the Bill has been altered so as to protect the interests of the public. There should not be any hesitation in adopting the amendments.

HON. MR. BOTSFORD moved that the amendments be concurred in.

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

IRRIGATION IN THE NORTH-WEST.

ENQUIRY.

HON. MR. MACINNES (Burlington) rose to—

Call the attention of the House to the importance of making preliminary surveys in that part of the North-West Territories lying immediately to the east of the Rocky Mountains, and in the neighborhood of the Cypress Hills and Wood Mountains, with a view to its irrigation; and enquire whether it is the intention of the Government to make such surveys, and also for the purpose of locating artesian wells, for farm and domestic purposes, in districts where they may be required?

He said: I rise to make a few observations on the motion of which I have given notice. There is doubtless a general lack of information in this country respecting the subject of irrigation. This is due to the fact that agricultural pursuits have been successfully carried on without it. We have no regions which can be called arid or come under the designation of arid regions. The subject may therefore be said to be a novel one in this country. It is of course well known that it has been, and is practised in some of the countries of Europe and in India, from the earliest times, and also on this continent, in Mexico, at an early period of its history, and the south-western states of the Union, in Utah some forty or fifty years ago in a primitive sort of way, but it is only within the last ten or fifteen years that any real developments may be said to have taken place.

Irrigation developments within a comparatively recent period have taken place in Australia, and a representative from the colony of Victoria recently paid a visit to the United States for the purpose of investigating their methods. It may be of interest to us also to take a glance at the developments which are now continuously taking place in that country—the United States. They classify their lands as humid, sub-humid, pastoral and arid. The humid are lands on which agriculture can be carried on by means of the natural rainfall. The sub-humid are lands on which production, mainly grazing, can be greatly increased by the help of irrigation. The pastoral are range or ranching lands, on which the nutritious grasses thrive without the help of irrigation, although in some parts it is applied with advantage. The discovery was accidentally made about twenty-five years ago that the nutritious grasses which grow on the plains and foot hills of mountains, which cure so perfectly in the open air and without cultivation, are available for raising cattle, horses and sheep with no care save that of herding. This was how the discovery was made: Late in the fall of 1864 a waggon train hauled by oxen on its way to a military post in Utah was arrested in its progress by a severe snow storm, which compelled the people in charge to go into winter quarters. The oxen were turned loose to die, but instead of perishing, they grew fat during the winter months on the bunch grass, nature's hay, which covered the hills and valleys.

The knowledge of this fact was the beginning of ranching in the Western States, and which has since assumed such gigantic proportions, not only there, but in Canada also.

On the arid lands agriculture cannot be carried on without irrigation. They comprise four-tenths of their whole territory, and it has only been recently discovered that a certain percentage of these lands is susceptible of reclamation by means of irrigation, and that every acre of irrigated land is twice as productive as land depending on the natural rainfalls. This applies, I believe, to about 10 per cent. of this area for crop growing. The remainder, or a

large part of it (depending, of course, on the character of the country), is benefited and made available for grazing purposes. Since the importance of this discovery has been realized by the people of the United States, irrigation has made wonderful strides, and there are now said to be twelve thousand miles of irrigation canals in the West; and the capital invested is enormous, and it is wholly due to private enterprise. But, the National Government, realizing how important it is that their irrigation works and developments should be connected with science and skill, has recently, after much discussion, appropriated a quarter of a million of dollars per annum for preliminary surveys of the country requiring irrigation, with a view of the locating of reservoirs and canals. This work has been placed under the charge of Major J. W. Powell, Director of the United States Geological Survey, who has made the subject a special study. The methods, briefly stated, are to impound or conserve the waters of rivers or streams into reservoirs erected to receive them, from which they are directed by means of canals and ditches, and also by flooding to the districts required to be irrigated. Boring for artesian wells are carried on more or less in nearly all the States and Territories, but mainly for farm and domestic uses.

Practically, the United States has disposed of all the lands of any value within the humid regions, that is, lands where crops can be grown advantageously by means of the natural rainfall. The importance and necessity to that country for the reclamation of lands not so situated is manifest. This is in striking contrast with our North-West as regards the position of our fertile lands. The fertile belt of the North-West was described in the deed of surrender made by the Hudson Bay Company, at the time the country was transferred to Canada, as bounded on the south by the international boundary, on the west by the Rocky Mountains, and on the north by the North Saskatchewan, and on the east by Lake Winnipeg, Lake of the Woods and the waters connecting them, but it is now established beyond a doubt that this fertile belt extends an average of 100 miles north of the North Saskatchewan, along its whole length, and that as we proceed westward along the river the fertile agricultural area extends much farther in a northerly direction, reaching the Peace River and the Athabasca valleys, as the mountains are approached, an area sufficient to support a farming and pastoral population of more than double the present population of old Canada. It contains within it no less than 270 millions acres of land susceptible of cultivation, and with a propitious climate. In all this vast domain there are no arid lands, and there is but a comparatively small area of sub-humid lands, lying immediately to the east of the Rocky Mountains and the neighborhood of the Cypress Hills and Wood Mountains, and nature seems to have fitted this portion of the country for economical irrigation.

Practically, the greater part of these fertile lands are yet to be disposed of, and in no other country on this continent is there such an inviting field for immigration. The climate is healthy, and it would be difficult to find a country where the soil is so uniformly fertile. The immigrant will find himself settled in a country where the laws enacted by the will of the people are administered with justice and fairness, where there is perfect freedom with security to life and property. The question may be asked, and is frequently asked, why our North-West is not filling up more rapidly. We have been probably too sanguine in our expectations, and have overlooked the fact that it takes time to fill up a country as large as Russia in Europe. Experience teaches that the settlement of all new countries is slow in the beginning and their early years. I might instance Dakota, of which we have heard so much: it contains an area of prairie lands resembling our own, but in extent is a flea-bite compared with ours. In 1870 it had only a population of 14,000, and for many succeeding years settlement was very slow, until the fertility of its soil had been demonstrated by the growth of abundant harvests. It will doubtless be the same in our North-West, where the soil is equally fertile, and the climatic conditions more favorable. I recently made two visits to the North-West. My first visit was during the harvest time, and although the season had been an abnormaly dry one, the yield and quality of the crops were surprisingly good. The fertility of the soil largely compensated for the usual moisture, the quality of the

wheat could not be surpassed, if equalled, in any part of the world. The cattle and horses roaming over the prairies and feeding on the nutritious bunch grass were in the most perfect condition, requiring no care except that of herding. At Regina, I visited several farmers, among them Mr. McIntyre, who came from Ontario and owns a farm of 2,000 acres. Mrs. McIntyre, when offering me a glass of milk, informed me that she could get as much milk and butter from five cows as she could from eight in Ontario. This statement was corroborated everywhere. Artesian wells are necessary for farm and domestic purposes, and will doubtless prove to be of great service to the present settlers in districts where they are required, and will also tend to promote the settlement of the country. The early settlers, as a rule, cannot afford the expense of boring, especially where great depths have to be reached to find water. I wrote to Dr. Selwyn, the Director of the Geological Survey, and I have his reply here:

"OTTAWA, 6th Feb., 1890.

"DEAR SIR,—I have received your note of the 4th instant. Yesterday I called on you at the Senate, but found you had left town. I, however, left a pamphlet for you with Mr. Creighton, in which I think you will find much of the information you seek. I visited the Dakota wells last summer, or at least some of them, and what I learned induced me to recommend the Government to assist the Deloraine people to continue the well there to a depth not less than that at which the great water-bearing stratum has been struck in the wells to the south, viz., about 1,800 feet. I have no official report on the Dakota wells, but nearly the same geological structure prevails through Kansas, Nebraska and Dakota, into Canada.

"I am, dear Sir,
"Yours faithfully,
"ALFRED R. C. SELWYN."

By means of geological science the location where water is to be found can be accurately indicated. Hon. gentlemen have no doubt read of the renowned application of geological science in France over fifty years ago. If I am not trespassing too much on the patience of the House I will read a short account of it:

"Renowned application of geological science: Arago's prediction of a store of pure potable water in the deep dipping green sand stratum beneath the city of Paris was one of the most brilliant applications of geological science to useful purposes. He felt keenly that a multitude of his fellow citizens were suffering general physical deterioration for want of wholesome water, for which the splendors of the magnificent capital were no antidote. With a foresight and energy such as display that kind of genius that Cicero believed to be in some degree inspired, he prevailed on the Public Minister to inaugurate in the year 1833 that notable deep subterranean exploration at Grenelle. By his eloquent persuasion he maintained and defended the enterprise, notwithstanding the eight years of labor, to a successful issue, were beset with discouragements; and all manners of sarcasms were showered on the promoters. In February, 1844, the auger, cutting an 8 inch bore, reached a depth of 1,806 feet 9 inches, when it suddenly fell 18 inches, and whizzing now announced that a stream of water was rising and the well overflowed."

It appears to me to be the fitting work of the Government to help the settlers, and also to promote settlement, to make these borings for artesians wells, not for irrigation purposes, but for farm and domestic use. The irrigation of the district to which I have alluded should be left to private enterprise and individual effort, the surveys to be placed under the charge of a competent scientific officer. Grants of land might be made in the same way as is done for railways. The American Government and our own Government also seem to regard the public lands, not so much as a source of revenue, but a public trust, with the object steadily in view of transferring them to actual settlers at the lowest possible cost. I trust that what I have so far stated will convey to the hon. gentlemen who have not had the good fortune to visit it some idea of the vastness of the country and its capabilities. But beside this great domain of agricultural and pastoral lands to the east of the Rocky Mountains our possessions extend westward to the Pacific Ocean, including the Rocky Mountains, British Columbia and the Island of Vancouver. The mountains are known to contain rich deposits of the precious metals, and in the valleys or glens between mountain ranges there are arable plains, which can be easily irrigated, where required, by the mountain streams, on which grain and vegetables can be grown. The foot-hills of the mountains are covered with a nutritious bunch grass, furnishing food for domestic animals. The wants of the mining population are thus provided for. I myself passed through these mountains—a distance of three hundred miles—from Gold, on the Canadian Pacific Railway, to Kootenay, in Idaho, on the Northern Pacific. I have seen what I am endeavoring to describe. British Columbia and the Island of Vancouver are well known to contain valuable forests, coal mines, and a considerable area of agricultural pastoral lands. Before taking my seat, I cannot help alluding to the rocky and inhospitable region

to the north of Lake Superior, which was believed to offer insurmountable difficulties to the construction and operation of the Canadian Pacific Railway, and I confess to having been one of the doubters; and it is a remarkable commentary on our own foreboding that it is the only transcontinental line which has not been blocked by snow. It shows how mistaken we were; and these rugged regions of rock and stone are found to abound in rich mines of silver, copper, nickel and iron. I dislike exaggeration, or even the appearance of it, but is it possible to exaggerate the value of this great heritage wich is ours?

HON. MR. DICKEY—Before the leader of the House answers this enquiry I desire to say that I have listened with pleasure and interest to the statement which has just been made by my hon. friend on this important subject. I would not now trouble the House, even for a few minutes, were it not that this discussion revives an interesting reminiscence, on my part, of a curious fact in natural history which came to my notice on the first of my three visits to the North-West Territories, about eight years ago, which relates to a subject which has formed part of the discussion on this occasion. Many hon. gentlemen from the Eastern Provinces are scarcely aware—I certainly was not until I visited the North-West—of the great difference in the nutritive qualities of the prairie grasses of the North-West and the grasses of our rich alluvial marshes in the Eastern Provinces. It is a curious fact that in chemical constitutents I believe there is scarcely any difference between the prairie soil, which is simply an alluvial deposit, and the soil of the great marshes which has been formed from the deposits that are carried backward and forward by the tides in Nova Scotia and New Brunswick. The difference in the grasses grown on the two soils is this: in Nova Scotia and New Brunswick when the hay is cut from the marshes it has to be "cured," as it is called; and if it were not cured in that way, once it has been exposed to the frost and snow of the winter it contains no more nutriment than so many shavings cut from a stick of wood. But in the great North-West I found to my surprise all those grasses, though frozen and covered with snow during the winter, came out in the spring with all their nutritive qualities perfectly preserved. This is the reason why cattle and horses are enabled to live and fatten upon the prairie grasses even in the coldest winter, and they can do so until the spring has come again. I recollect taking the trouble to bring a bundle of this grass with me, after it had been frozen, to Nova Scotia, and showing it to a friend there as one of the remarkable things from the North-West, and I asked him to test it. On doing so he was perfectly surprised, being accustomed to our native grasses, which we, in our innocence, thought the finest in the world, and which under similar treatment have been a comparatively hard and indigestible fodder, to find that it was perfectly full of nutriment and had the taste of fresh grass. I hope my hon. friend's remarks may find their way abroad to other countries, and that they will have a beneficial effect on the immigration to this country. I thought it might possibly add to their usefulness if I made this statement, because the fact which I have stated will have an important bearing on the future of that great country, for it is a well known fact that these prairie grasses continue from one end of the year to the other to be in a nutritious condition.

With regard to the subject of artesian wells, which my hon. friend has touched upon, I think there is also a great possibility there for the improvement of the country, for the obvious reason that on the east of this great plateau of low ground, eight hundred miles wide, you have the height of land, as it is called, at the termination of the Laurentian range; and on the west you have these enormous ridges, the back-bone of the continent—the Rockys and the Selkirks—forming immense natural reservoirs of water; and I have no doubt that the effect of artesian borings in that part of the great country between Winnipeg and Calgary will yet be found to develop springs which have their source in those immense reservoirs, which of themselves are nearly as large as the whole of England. Under these circumstances, I think that my hon. friend has performed an important duty in calling the attention of the House, and of the Government, to this matter, and the Government would do a great work for that country if they adopt his suggestion and see whether, for irrigation or domestic purposes, it is not quite within

possibility that we may be able to get an abundant water supply in the dryest parts of the prairies. If secured it will be something that, I think, the Government may be proud of, and will place us all under a deep debt of gratitude to my hon. friend.

HON. MR. KAULBACH—I do not agree with the conclusions or remarks of my hon. friend who has just taken his seat, and doubt whether the Government will find it necessary that this expenditure of money should be made. I have listened with a great deal of attention to the remarks of the hon. gentleman from Burlington, who has, to some extent, provided an antidote for the proposition he has placed before us, because I agree with my hon. friend in what he has stated about the vast agricultural resources, and capabilities, and natural wealth of our North-West country. I hope that his remarks will be published, not only throughout Canada, but in other countries as well, as they will no doubt be an inducement to emigrants to go and settle in the North-West country. I must say, when I saw, a few days ago, this notice on the Paper calling the attention of the Government and of the House to this question, and asking the Government to provide for these surveys, I asked myself the question: Is this the land flowing with milk and honey, the country that we believe it is? Is this the country possessing the rich virgin soil which we all believe it has, or is it an arid country, so dry and barren that we are obliged to resort to the means which are adopted only in tropical climates? I say, with such a notice before me, I do not believe a greater libel could be cast upon our fair virgin soil in the North-West than that contains.

HON. MR. POWER—Hear, hear; and by a good Tory, too.

HON. MR. KAULBACH—Had this notice come from a gentleman from the North-West, acquainted with the characteristics of the country and the necessity there may be for irrigation, canals and reservoirs, I would suppose that there was something in it, but when it comes from an hon. gentleman who does not reside there, and who has probably not more knowledge of the country than I possess myself, I must confess that I continue to believe that the North-West is not of that sterile character which requires the Government to spend large sums of money to irrigate it and prepare it for settlement. I believe there is no part of the United States so well provided with water or has such natural advantages as are to be found in the Canadian North-West. I agree with my hon. friend that probably four-tenths of the unsettled territory of the United States is of an arid character, and requires all these appliances advocated by my hon. friend for the North-West in order to bring it to its full development and enable it to produce crops; but I contend that in our prairie country there is no necessity for anything of that kind, and I look at the proposition in this notice as being entirely out of place. It suggests:

"The importance of making preliminary surveys in the North-West, with the view of locating reservoirs for water, to be obtained by means of artesian wells, and by conserving the waters of rivers and streams, for the irrigation of districts which suffer from drought in dry seasons; and will enquire whether it is the intention of the Government to make much surveys?"

HON. MR. MACINNES (Burlington)—You have got the wrong notice.

HON. MR. KAULBACH—Then my hon. friend has changed the notice.

HON. MR. MACINNES (Burlington)—I gave notice to the House that I would do so.

HON. MR. KAULBACH—Then the hon. gentleman has only done it within the last day or two. The position he takes now is that the country is of such a nature that it requires irrigation only in certain localities. I notice now that it reads:

"That he will call the attention of the House to the importance of making preliminary surveys in that part of the North-West Territories lying immediately to the east of the Rocky Mountains, and in the neighborhood of the Cypress Hills and Wood Mountains, with a view to its irrigation; and will enquire whether it is the intention of the Government to make such surveys, and also for the purpose of locating artesian wells, for farm and domestic purposes, in districts where they may be required."

I am glad to find, from this amended notice, that instead of making irrigation necessary for all the North-West, he confines it to the Cypress Hills and the Wood

Mountains. Still, he wants to go further than he has done in the original notice—to provide artesian wells for farm and domestic purposes. I do not think our country needs anything of the kind. We have plenty of productive virgin soil still throughout the North-West, and plenty of places for people to go and settle where there is sufficient moisture naturally, without requiring irrigation, to produce crops. My hon. friend may have an interest himself in some part of the country which is not of that character. If so, it is unfortunate for him; but I do not believe that he himself declares that irrigation is necessary, except for small portions of the country. The inclemency of the climate there has been spoken of as a drawback to settlement. I have been asked myself, more than once, how about our winters, and I have always endeavored to convince people that our winter was one of the great advantages of our country. The severe frosts of the winter stores in the soil a large amount of moisture in the shape of ice, which is brought to the surface at the time it is most required to promote vegetation, and especially the wheat crop.

That was my impression, that it was largely of that character; that unlike the conditions in warm climates, these crops were sustained by a regular supply of moisture that was permanently in the soil. I say it is a wise provision of nature. In the United States it may be necessary, in some parts of the country, to have artesian wells and reservoirs and great "bores" to maintain a supply of water, but I do not think our House should be bored with anything of this kind. The resources of the country are sufficiently "bored" already, without calling upon the Government to make this lavish expenditure for a purpose which I believe is wholly unnecessary. There is no country in the world with such a fertile virgin soil as we have. For growing crops of all kinds the soil of the North-West naturally surpasses that of any other country in the world, without any of those artificial means for promoting the growth of vegetation. Kind nature has provided everything for settlers to make themselves prosperous and happy in almost any part of the North-West. Surely this libel on the North-West, which the hon. gentleman from Burlington has, I am sure, unintentionally, put upon the Paper, and the remarks with which he has supported it, do not justify or sustain the Government in incurring the expense of making this survey. Before I take my seat I wish to quote a remark of a friend of mine, a descendant of one of the oldest families in the country from which I come, the Rev. Leonard Gaetz, who was before the Colonization Committee of the House of Commons the other day. He said that in North Alberta he has never heard, even from the oldest settlers in that country, of any necessity for irrigation there. The soil has sufficient moisture to nourish and produce luxurious grass and grain crops. My hon. friend himself has admitted to-day that while he was in that country last year, even though it was an abnormally dry season, he found there was an average crop of grain. If that is the case in the North-West in an abnormally dry season, there is no necessity for irrigation under ordinary circumstances. There is no doubt that in the United States, where the desirable agricultural lands are all taken up, there is a necessity for reclaiming their arid lands to make them attractive for settlement by means of irrigation. Canada is now about the only place left on the continent in which people can make a choice of rich, cultivable soil which they can cultivate with a prospect of success. I hope the Government will not entertain this motion. I do not believe that the present position of the country warrants the Government incurring such an expenditure as this motion would require, to make reservoirs and artesian wells.

HON. MR. PERLEY—Being a resident of that country to which this motion refers, it may not appear amiss if I should say a word or two on the subject. When I made up my mind to leave my native home in New Brunswick and go to the North-West, I naturally made some inquiries about the prairie country, and I may say that I had no favorable report given to me of it at all. A man who had been all over that country said that I could not raise potatoes there bigger than marbles, on account of the frost. However, I went out there, and it was only after mature consideration. I may say that from the start I took particular pains to look into and examine the different characteristics of that country. When I made up my mind to settle in the country I commenced to make a study of it, and I have discovered that the country

is different from what it had been represented to me to be, and it is not without some cause that this motion has been made by my hon. friend from Burlington. I went to the North-West, where I now live, in the spring of 1883, and I found on the way there, and all through the prairies, there were large ponds of water in every low place. Any man in that country who had a dry section boasted of it. The paths wound about ponds and sloughs of water. You could not get a straight road on account of them. Certainly there was no scarcity of water in that country in 1883. Hay was abundant, the pastures were luxuriant and the cattle did remarkably well everywhere. I also discovered that in the spring we had heavy frosts. The first morning in June, when I got up, I found the water frozen in the wash dish at the door. It made me timid, and I thought that what the man had said about the country was only too true. However, I watched carefully. I got up night after night, betwen 3 and 4 o'clock in the morning, to see if there were any frosts, and I discovered that these spring frosts did not hurt the grain. I never saw anything grow like the crops did. We grow the largest and best potatoes I have ever seen in any country, and I was a farmer for several years in New Brunswick, besides having been raised on a farm before starting farming for myself. With regard to the prairie grass, I may say also that I discovered from the start that it was the best grass I had ever seen for fattening animals. I used to live in the garden of New Brunswick, and I never saw grass that cattle would thrive and fatten on, or grass on which cattle would give so much milk, as our own prairie grass. It astonished me beyond measure, and I enquired the cause of it, because the grass itself is poor looking trash. To see it growing you would not put much value on it, or think of comparing it with our English grass in eastern Canada. The slough grass is just such hay as I used to throw out in the barn-yard for bedding. That grass can be cut anywhere, even in water knee-deep, and it is better hay than the best English hay I have cut on my farm in New Brunswick. It will make more beef; it will keep horses in finer condition, and will feed animals better than any hay I have ever seen. I know that from my own personal experience. I have discovered the reason why this prairie grass is so nutritious in the spring, and in fact all the year round. It cures all the year round. That is the grass that grows on the arable land, which cures before the frost of September comes. It is then much better than ordinary hay, because it has a green pith at the bottom of it. To illustrate the quality of this grass, I may mention that I have three horses that have been living out all through the winter, though the snow is 2 or 3 feet deep on the plains. These horses worked hard until the 26th October, when I turned out two of them. After they had been out a fortnight I took one of them in and put out the other, and then after a fortnight I turned out the three of them, and they have not had either hay or grain this winter, yet they are as fat as seals. That I know of my own personal knowledge, because before I left home I went to see the horses and found them in good condition, and my son writes me that they are still thriving. Moreover, my neighbors keep their horses in the same way—they feed on the grass. It grows like hay, with this advantage, as I have said before, that there is a green pith to it that is sappy and nutritious. Until the snow comes in December, or whenever it falls, the cattle live on that dry grass better than they could on hay. My cows, that we milked all summer, and some of which I took from Ontario this spring, that were eight days on the road and got very poor, have fattened up and have done first rate. The moment the snow begins to disappear in the spring—and that was what drew my attention to it first in 1883—it is difficult to get the cattle home at night. The moment a knoll the size of this chamber became bare the cattle went to it for feed. The grass preserves its nutritious qualities through the winter, and the moment the cattle can get to it in the spring they feed on it. I will now speak about the frosts. In the summer of 1883 the frost came the night of the 7th September, and did the damage. In 1884 the frost came on the night of the 6th September. I was keeping a diary in those years, and watched these matters carefully, because I was deeply interested in the subject. In 1885 the frost came on the night of the 22nd August, yet we had two bushels of wheat that year for the one we had the two preceding years, notwith-

standing the fact that the frost came earlier. The reason of that is clear to me. Any farmer coming to that country—I do not care how good a farmer he may have been in Ontario—knows as little about the system to be adopted in the cultivation of that prairie country as if he had never held a plough or reaped a crop. They know how to plough, drive horses and harvest grain, but still they do not understand the peculiar character of the country, and do not know how to cultivate the soil properly. They came there with their sulky ploughs and expected, by ploughing 2 inches deep, to raise a crop and make money. In the fall, when the frost came, they went home to Ontario and returned in the spring late, because they did not seem to know that the spring sets in earlier there than it does in the Eastern Provinces. Then they harrowed the land they had ploughed in the fall. They found that the roots of the grass were so matted together and so tough that you could hitch a mass of them as long as this building on the harrow and drag it about. To harrow land ploughed as that had been so as to get the soil into condition to cover the seed took six harrowings, and then half the grain remained on top of the ground. The consequence was, that when the warm weather came the land soon dried out, so that there was not vegetation until the June rain came. The result was, that before the grain could ripen, in consequence of this late start, it was caught by the frost. Experience has taught farmers in that country to summer fallow entirely—that is to say, they will prepare 50 or 100 acres of land and after they have got that seeded they will plough for next year. That land works up into a good, deep seed bed, and in the spring, after the snow disappears and the surface of the ground thaws to a depth of 2 or 3 inches, you can put on your seeder. I never saw a country like it for growing crops. You do not have to wait until the frost is out of the ground. You just sow the grain, and the frost underneath it, instead of injuring the crop, keeps the grain growing as the frost thaws, and even though we have no rainfalls the grain keeps on growing. The result of adapting our system of farming to the character of the country is that even last year, dry as it was, the farmers raised a great deal of wheat. They put the wheat on the land that had been summer fallowed, and the oats and barley on the spring-ploughed land, and the result was that while the latter crops were very light, there were good crops of wheat—I mean fairly good, under the circumstances. Now, the farmers are getting into the habit of cultivating the soil in that way. It has taken them quite a while to get that experience, but they have learned the proper system now, and there is no doubt that they will make more rapid progress in the future than they made in the past. Every farmer going into that country had the idea that he would get rich by raising grain. I discovered very soon that that was wrong, and I told them on one occasion, when somebody had advised them to keep only one cow and tether her in a slough, and feed her on straw or at the hay stack, that it was the worst advice that could be given to the people. I said: "Sell your horses and get cows. The frost will not kill them, and you will have more products, and a greater variety of them, to sell, that cannot be affected by summer frosts." The farmers are getting into that system, and those who commenced that way and followed that system from the start are comfortable now, and are making as good a living as any farmers in Canada to-day. I could name plenty of farmers around my own town who have done well by following that system. For the first three years that I was in that country, 1883-84-85, there was sufficient rainfall, and if the land had been in readiness for the seed in the spring, as it is now under a better system of farming, there would have been marvellous crops for those three seasons. The straw grew first rate—there was an immense burden of straw, and everything was all right, but the frost, even at a late period, destroyed the grain, so that it was unmarketable. It would not pay to take it from the country and it was a burden on the farmers' hands. They never got a market for any of it until the spring of 1885, when the demand created by the Rebellion enabled them to sell a portion of it. In 1866 we had a dry year, the dryest that I have ever seen, except last year. The year 1887 was a fair one, and 1888 was an immense year. I never saw it rain so much in New Brunswick as it did in the North-West that summer. There was as much rain as the country required, and we had good crops of grain and hay every-

where. In those dry years that I have spoken about, the sloughs dried up. Places where there had been ponds when I went into the country, they are cutting hay on now. You bore down where those sloughs have dried up, and the land is so hard that you could run a railway train over it, and you would not find an impression after taking off the sod, so hard is the subsoil. I have known a farmer to dig a well 108 feet deep without getting water. The same man dug two wells, and was quite disgusted at his failure. He had to pay $2 a day for the use of the machine, and board the man. He dug two wells without succeeding in getting water, and then commenced to dig a little piece off, and got water. The water does not percolate through the soil, it is so hard. This resolution of my hon. friend does not go far enough. He confines himself to a portion of that country where there are no people. My idea would be to confine himself to that part of the country where there are people—that is, eastern and western Assiniboia. We find great difficulty in getting water there. We do not require it for irrigation purposes, for five out of seven years there has been an abundance of rain. Everything grows well, but we require water for our cattle and for domestic purposes. We have the Qu'Appelle River north of the railway, and we have the Souris River south towards the boundary, and running into each of these rivers there are brooks such as you have in eastern Canada—or rather they are brooks in the spring of the year when the snow is going off. It is a great level prairie country, but everybody will concede this fact, that a prairie country, where there is no forest, is a dry country, because there is no protection, no mulch by the trees to keep the water on the land. It is very hot in the summer time, and naturally the moisture dries out of the soil. The snow drifts into the ravines in the winter season and in the spring of the year it melts away and runs off towards the ocean. It is hardly to be expected that the farmers of that country will undertake any extensive work, but if the Government would grant a sum of money to build dams to make reservoirs in those ravines, and retain the water, it would be of use in dry years and would largely help the settlement of that country. It would be a benefit to the settlers in watering their cattle, besides being useful for domestic purposes. At present the farmers have frequently to haul water three or four miles in dry seasons. Many of them have dug three and four wells without finding water, though it might be procurable if they only knew the right place to dig for it. After living eight years in that country I have more faith in it to-day than I ever had before. It is bound to become—I do not care who says no—the greatest country in the world, because it has the resources in the soil to make it that. All that is necessary is that the people learn how to work it, and they are beginning to understand the proper system now, so that in the near future you may be sure it will develop into a great country. I had a contract a few years ago to supply beef to the Indian Department—it was in that dry year, 1886. I had undertaken to fatten old oxen in New Brunswick and almost lost money on them, but in the North-West I have seen cattle feed on straw or hay in the winter time and fatten without any other feed. I have bought steers and oxen, and they were in better condition than I have been able to fatten them on the best hay and roots and mill feed that I could procure for them in the east. They get as fat as you can desire to have them in that country on the grass alone. I have bought two steers that weighed 785 lbs. apiece at two years and five months, a three-year-old that weighed 630 lbs., while yearlings commonly weigh from 400 to 500 lbs. That is the sort of country we have in the North-West. No man thinks of feeding a steer anything but grass. You can get a steer anywhere you like in the country and he is ready for the knife; there is no such thing as having to fatten cattle in the North-West, because they are always fat. The grass in the wet places is not so good. It is just like your hay in eastern Canada after it gets a certain age because the frost kills it; but on the arable lands, the broad prairies, the grass is good at any time of the year when the cattle can get at it. In the sloughs the frost takes the substance out of it. I think it is very desirable that the Government should appropriate a sum of money and make some effort to get a water supply for the people in that country in the dry years. It is a serious disappointment to the settler to have to be without water at any time of the year. I know people who have had to go four miles for water this

year. They are satisfied with the country, but disappointed, after digging for water, not to be able to get it. It takes money to build a dam, though some of the people built dams last year; but a great many are not able to do so, and any assistance that the Government could give to supply water that way would be a great benefit to the North-West and to the whole country, because as the North-West prospers so will the Dominion prosper. I wish the hon. genleman therefore would add Assiniboia to his list, because in the section that he refers to there are no people, except those who are engaged in ranching. Down at Wood Mountain, where there are some half-breeds, there is plenty of water, but out West there are no people, and his inquiry is not as applicable to that section as to the country I have been speaking of.

HON. MR. POWER—I desire to express my surprise that the hon. gentleman who brought this question before the House should have done so in the way he did. Of course, as the hon. gentleman from Lunenburg remarked, a portion of the speech of the hon. gentleman from Burlington would serve as an antidote to the poison contained in his notice; but unfortunately this notice, in one form or another, has been on the paper several weeks; and in its original form it was calculated to leave the impression on the mind of any person not as well informed as the hon. gentleman from Lunenburg or the hon. gentleman from Assiniboia that all through our North-West Territories people could not live, unless they were furnished with water by artificial means. I think that is a most unfortunate circumstance; and I am pleased, as a humble representative of the Liberal party, to think that notice has not been given to the world by a member of the party to which I belong. If it had been given by a member of the Liberal party I have no doubt the hon. gentleman would have been one of the very first to denounce the unpatriotic conduct of that party and to state that it was in keeping with their conduct through a long series of years. I must say this for the hon. gentleman from Lunenburg, that he is always consistently patriotic. He has always maintained that Canada was the finest country in the world, that her hills and her people—no, I shall not say her people, but her hills, at any rate, were the greenest, her soil the best, and her crops the biggest in the world; and the hon. gentleman is consistent with himself. He says, and he says truly, that our North-West is one of the finest countries in the world, and that it is not necessary that those works should be undertaken in order to enable people to live there. The hon. gentleman from Assiniboia confirmed the statements made by the hon. gentleman from Lunenburg to a very considerable extent; but I was rather surprised to hear from him that the ground was so hard out West that one could run a locomotive over it without breaking through the crust.

HON. MR. BOTSFORD—The sub-soil, he said.

HON. MR. POWER—I understood that the hard soil was very close to the surface. One good effect the inquiry of the hon. gentleman from Burlington has had is, that it has given the House the very valuable information communicated by the hon. gentleman from Assiniboia. I feel this way about the matter: that there are several millions of acres of good arable land in the North-West, land which calls for settlers, which is ready for settlers to-day; and I think our wisest plan is to let the settlers come in and settle on the land which is fit for cultivation; and when that land is exhausted, or nearly so, then it will be time enough to spend money to fit by artificial means lands for settlement. We should not resort to artificial means until they become necessary; and I hope the hon. gentleman from Burlington, if he will excuse me for saying so, will be more cautious in the future how he gives notices like this, which are calculated to damage the character of Canada all over the world. I do not mean to say, as I presume would have been said if this notice had been given by myself, that he is in league with the enemies of our country or acting in the interest of Yankee speculators, with a view of deterring people from settling in the North-West. I do not think the hon. gentleman intended to do anything of that kind; but the wording of his notice is calculated to have that effect. I hope that the Government, who are truly patriotic, if the hon. gentleman from Burlington is mistaken in his ideas of patriotism, will show their patriotism by declaring that our North-West is nothing of

the sort indicated by his inquiry, and that they do not propose to spend money where it is not needed.

HON. MR. ABBOTT—It is really gratifying to see my hon. friend taking such interest in the character of our country. I must say, however, for him, to do him justice, that he has not usually been one of those who decry it, and I take his remarks to be what one might familiarly call poking a little fun at my hon. friend behind me, rather than sneering in any respect at the country, or as invoking what he thinks he finds in my hon. friend's notice as evidence that the country is not as good as those who live there think it is. I do not see in my hon. friend's notice anything so depreciatory of the country as my hon. friends from Lunenburg and Halifax find, and his speech certainly made perfectly clear anything that might be considered ambiguous in the notice itself. In the first notice that he gave he said that he would :

"Call the attention of the House to the importance of making preliminary surveys in the North-West, with the view of locating reservoirs for water, to be obtained by means of artesian wells, and by conserving the waters of rivers and streams, for the irrigation of districts which suffer from drought in dry seasons; and will enquire whether it is the intention of the Government to make such surveys ?"

Now, this is not an imputation on the North-West generally. My hon. friend indicates by this that he thinks there are sections of the country which suffer from drought in dry seasons, and we do not deny that there are. My hon. friend from Assiniboia, who spoke so ably and forcibly from personal knowledge of the country, does not deny that there are sections which do suffer in dry seasons from drought, so I do not see anything so very injurious to the character of the country in asserting what we all know, that there is a section of the extreme North-West where they do occasionally suffer from want of sufficient water. The modified notice which my hon. friend put on the Paper, after consideration of the first, was still more precise ; because while he spoke only of surveys in the North-West, he did not speak of surveys all over the North-West. In this he specifies the portion of the North-West where he thinks a survey might be of use. I must say, however, that the whole discussion has been an instructive one. We have learned from the speech of the hon. member from Burlington the extent to which he thinks this irrigation might be required, and we find it to be very small and modified indeed. That impression is fully confirmed by my hon. friend from the North-West, who spoke on the same subject, and we have had a deal of valuable information from all who have dealt with the subject. The answer which I have to give to my hon. friend is, that the irrigation of the territory referred to could only be attained either by utilizing the surplus water of the streams having their sources in the Rocky Mountains, or by artesian wells. The former method has been the subject of a good deal of attention at the hands of the hon. Minister who was himself an engineer of many years experience in British Columbia, where irrigation on a limited scale has been tried upon the same class of lands with some success. He has not only considered this question himself, but he has consulted with the officers of his Department, from whom he has received valuable reports and suggestions. After full inquiry and examination, some scheme for utilizing the waters of the streams referred to and applying them to adjacent lands by a well-planned system, supplementing the rainfall, may be adopted, if found of sufficient advantage to warrant the expense. The rainfall, however, is usually quite sufficient, and the exceptions to this rule are so few that the consideration of the question of irrigation in relation to this section of the country becomes desirable chiefly because the natural facilities for applying the system are so great that it would cost very little. Indeed, the chief use of irrigation in that region would be as an aid in growing hay.

As to artesian wells, they would be needed, if at all, in the prairie country lying east of the mountains. But it must be remembered that in average years the rainfall is sufficient for the requirements of ordinary agriculture. There are seasons, like that of 1889, when portions of the country suffer from drought ; but even in those portions deep and thorough cultivation produced an average crop of wheat last season. But dry seasons are the exception, not the rule ; and in relation to the agricultural regions, where there is occasional drought, the Government have authorized a considerable sum of money, under the supervision of the Director of the

Geological Survey, with the object of discovering whether there is a considerable artesian basin from which a supply of water could be depended upon for the ordinary purposes of the farm, and specially for stock-watering in any year. When these tests have been made the Government will consider how and to what extent the water supply can be utilized.

TORONTO SAVINGS BANK AND CHARITABLE TRUST CO.

MOTION.

HON. MR. MCKINDSEY, in the absence of HON. MR. SULLIVAN, moved that the fees, less the printing and other necessary expenses incurred, be remitted to the Toronto Savings Bank and Charitable Trust Company.

HON. MR. POWER—I should like to know from the hon. gentleman if this is really a charitable institution. A private savings bank is not necessarily a charitable association, and the fact that the word "charitable" appears in the name may only mean that this company is empowered to hold the funds of charitable trusts. Of course, if it is a charitable institution the motion is unobjectionable.

HON. MR. MCKINDSEY—I was informed that it was a savings bank in connection with a church.

The motion was agreed to.

OTTAWA, MORRISBURG AND NEW YORK RAILWAY CO.'S BILL.

THIRD READING.

HON. MR. READ (Quinté) moved that the amendments made by the Committee on Railway, Telegraphs and Harbors to Bill (28) "An Act to incorporate the Ottawa, Morrisburg and New York Railway Company," be concurred in. He said: These amendments are all in connection with the Ottawa bridge. In the Bill they ask for power to bridge the Ottawa, but as another company is about receiving a charter for the same purpose, it was thought best to eliminate that part from the Bill, and all these amendments are to have that effect. The chairman of the Railway Commmittee will correct me if that is not the full object of the amendments.

HON. MR. DICKEY—Yes; that is.

The motion was agreed to.

HON. MR. READ moved that the Bill be now read the third time.

HON. MR. VIDAL moved that section 18 be amended by adding thereto a clause in the words following, viz.:

"It shall be the duty of the directors of the company, out of the first issue of bonds, debentures or other securities on the said railway, to transfer and pay over fifteen thousand dollars ($15,000) thereof to the then surviving directors of the present board of the Ottawa, Waddington and New York Railway and Bridge Company, to be by them applied *pro rata* in payment of the present liabilities of the latter company."

He said: I take it for granted that hon. members in this House concur in the view which I entertain with respect to our functions, that one of the most important of the functions allotted to this Senate is the revision of legislation of the other House, which may be so influenced there by party spirit or by any other improper motive as to be considered by us hurtful to the general interests of the community, or as affecting injuriously existing rights. Now, in my opinion the Bill before us does this; therefore, I think it is a matter which should receive the very serious consideration of this House, and should not be adopted without looking carefully into it and seeing if we are not called upon to protect vested rights which are jeopardized by the Bill as it stands. I would beg to remind the House that on two separate occasions our Railway Committee have already protected those vested rights. They have recognized their existence, and on account of those vested rights have twice rejected the very Bill which is now before us for adoption. Surely then we ought to consider whether there is not the same reason why the House ought to take into consideration those vested rights, when its committee, with witnesses before it, looking carefully into all the details, weighing all the evidence which has been submitted, has twice come to the conclusion that those vested rights should be protected by refusing to pass a Bill like the present. It is quite true that the committee has now changed its opinion, not upon those vested rights, I take it, but rather upon this question, that sufficient time has been given to the original company to have

commenced operations, and to have gone on with their work; that they have not done so, and that, therefore, the public interests require that permission to build this road shall be given to this new company. I take it for granted that this is the reason which influenced the committee in reporting this Bill. If that is the case—if the public interest is to be served by granting this charter to this new company, surely if vested rights are affected by it—if the old company have expended money and undertaken a vast amount of work, and the benefit of this work and the benefit of their expenditure is to be taken advantage of by the new company, the old company ought to have some compensation for it. That such a claim exists is, I think, very fairly indicated, even by the action of the gentleman himself, who is the promoter of the Bill, and chief promoter, in fact, of the new company, to incorporate which this Bill is now before us. I have before me, in his own handwriting, a proposition made by him to capitalists when he was president of the old company. In that proposition he states clearly and distinctly a sum which I venture to suggest here as the amount which in all fairness ought to be given by those capitalists who are willing to sign the charter to enable them to build the road should pay as compensation for claims under the old charter. So, in fixing this amount, I am guided really by Dr. Hickey's own estimate of it. He made it a first condition with the capitalists proposing to build the road——

HON. MR. McMILLAN — When was that?

HON. MR. VIDAL—In 1886. He said: "We must have $15,000, payable to the order of our president, Charles C. Hickey, to pay or settle with directors and pay other honorable engagements, all of which will be accounted for." Now, that is his own statement four years ago, and I may remark that during the four years that have elapsed the old directors have undertaken more work, and have increased rather than diminished the liabilities which he freely and frankly admitted had been incurred up to that time. Then, further on, I find that this was not the only compensation which he contemplated, and which he thought was fair and just to ask from the capitalists who proposed to build the road. Further on he required that $50,000 should be deposited with the chartered company as a guarantee that the road would be gone on with, and if there was a failure to do so that this $50,000 should be forfeited to Mr. Hickey and the other gentlemen connected with him. I find a little further on that a still further compensation, thought by him and others to be just and fair, was that in the event of this being done they should have "a liberal bonus in bonds of the first issue, or cash, for the seven promoters of the road for later expenses and good will." A good bonus in bonds! I am not paying any attention to that: I am not asking for anything more than he himself fixed as a sum to which he contends he had a just claim in 1886. I cannot conceive it possible that that hon. gentleman will say that this should be turned aside as though the old company had no existence at all. I know very well that when the matter was brought before the committee and full details were gone into, and when we learned there were even two widows greatly interested in the matter, who had no one to protect their rights, but who looked to us to guard these rights as far as we could, it had some influence on the minds of the committee, as no doubt it will have on the minds of the Senate. If I were asking anything that I did not consider perfectly justified by what has taken place I would hesitate to make such a motion as this. I know nothing about the incorporators. They were perfect strangers to me until this Bill was brought before Parliament. I am as much a stranger to Mr. Hickey as I was to Mr. Odell, the first president. I have no other feelings than the desire to do right, and I ask this House to guard interests which will be jeopardized, as I know interests can be easily jeopardized by a Bill brought into Parliament by a prominent and popular member who has great influence in the House. I shall simply content myself in making this motion by calling attention to the fact that I do not ask that any payment shall be made under this motion until the new company is fully organized and issues its bonds, and that this payment shall be then made in bonds. Some gentlemen have said that if the company want to get the plans and specifications of the old company that the new company will have to pay for them. That is not so. These plans and specifica-

tions are public property. The new company can get them at the registry office if they are required; they can go to the Public Works or to the Railways Department and get all the plans or specifications of the old company. The old company cannot keep them back; they are there. I think that under these circumstances they really have a fair claim to consideration, and that this amendment ought to meet with the sanction of this chamber.

HON. MR. READ (Quinté)—It seems to me that a new doctrine has just been laid down by the hon. gentleman who has just taken his seat—that bad legislation can be easily obtained in the other branch of the Legislature. To my mind that is a very serious and sweeping assertion. I consider that most of the people who have Bills before Parliament do not find that it is so easy to obtain the sanction of the Legislature, and while it might be easily obtained in the Commons, it certainly is not easily obtained here; for this Bill—I may say to hon. gentlemen who, perhaps, do not know the history of it—has been three times passed by the other branch of the Legislature and twice refused by the Senate. The duty of this House is to prevent hasty legislation, and I think that in this instance it has certainly performed the functions that devolve upon it. It is a strange thing that this resolution should be brought in at this late stage of the Bill. We heard nothing of it before the committee. Nothing of this sort was suggested where it could have been discussed and properly inquired into. The committee reported without a division, and I think I am not out of order in saying so; consequently this is a very late hour to bring forward a motion to load down this Bill with $15,000. The company that asked for this money was incorporated by Act of Parliament in 1882. Their charter was further amended in 1884, the work to commence in 1887 and be completed in 1890. As yet there has been no work of construction done. There was a subsidy granted in 1885, work under it to be commenced in 1887, and the road to be finished in four years—in 1891. Now, we have it on the best authority that the subsidy has lapsed, and that the road is stricken out of the list of railways to which subsidies have been granted. I have now before me evidence to that effect. The subsidy is lost, the charter is lost, and the hon. gentleman is simply preventing another company from constructing a road which is demanded by the public in the counties through which it passes. I have now before me a resolution passed by the corporation of the city of Ottawa during the present year. The city of Ottawa rather sympathized with the old company, and last year passed a resolution in their favor. I have now in my hand a resolution passed by the corporation of Ottawa a few weeks ago, which is as follows:—

"Moved by Alderman MacLean, and seconded by Alderman Henderson, that this council having heard the communication of Dr. Dickey, M. P., in reference to the application for a charter on behalf of the Ottawa, Morrisburg and New York Railway Company, and the opinion of the Honorable the Minister of Justice in regard to the charter of the Ottawa, Waddington and New York Railway Company, and recognizing the importance to this city of the early construction of a line of railway such as the one now contemplated, would respectfully urge upon the House of Commons and Senate of Canada the advisability of granting a charter to the present applicants.

"And that this council, in view of the fact that nothing has been done by the Ottawa, Waddington and New York Railway Company to preserve their charter during the past year, hereby rescinds the resolution passed by this council on the 25th day of March, 1889, with reference to the Ottawa, Morrisburgh and New York Railway Company.—Carried.

JACOB ERRATT,
Mayor.

Signed,
WM. P. LETT, [Seal].
City Clerk.

I have also another petition from the county of Carleton, through which this road is to pass, upon the same subject. I have also a petition from the township of West Winchester; also one from East Winchester; also one from the township of Osnabruck, and one from the township of Gloucester, which I would read only it would weary the House to do so. Now would it not be hard to refuse a charter to this company in the face of all these petitions, or to load the charter down with something that is of no use to it all? If the plans and specifications are of any value the proper time to have brought up a claim for them was before the committee, where it could have been discussed, where all parties could have been heard, and the validity of the claim inquired into, and not at this last stage of the Bill. I may say that I have the opinion of the Minister of Justice—which it is as well to read,

because there are hon. gentlemen here who have not heard it—that the old charter has lapsed. I have also from the Secretary of the Railway Department a statement that the subsidy has lapsed.

HON. MR. McMILLAN—Will the hon. gentleman tell us the grounds on which the charter was granted to the Ottawa and Waddington road last year, and the extension given to them?

HON. MR. READ—They said they would commence construction at once, and go on with the work.

HON. MR. McMILLAN—Have they commenced? Or have they done anything?

HON. MR. READ—I will read an affidavit that they have not, if necessary, but I think it is hardly worth while occupying the time of the House with doing it.

HON. MR. SCOTT—I think the fair question for us to consider is, whether it is just or equitable that, in granting a charter to a new company we should in any degree disregard rights that my hon. friend who moved this amendment has properly considered vested rights? We are not going to saddle this new charter with anything heavy or burdensome; but we should do what is fair and equitable. We should remember that when Parliament granted a charter to the Ottawa, Waddington and New York Railway and Bridge Company the promoter of the Bill before us was one of the principal parties in the promotion of the other Bill. The people who were associated with him got on very well. They agitated for the construction of the road. They got out plans, and did the preliminary work that all companies have to do in the initiation of such projects. In 1886 they unfortunately had dissensions amongst themselves. Who is to blame for it I am not now going to say; but they did quarrel amongst themselves, and it became, therefore, perfectly apparent to everybody that it was utterly hopeless for either party to obtain money or float the scheme successfully while these dissensions lasted. They did last, however, one party, the majority of the stockholders, opposing the proposition to grant a charter to the other party. It must be quite obvious to any gentleman who has experience in these matters that the effect of all was simply to destroy the possibilities of either company taking action. This House thought that the promoters of this Bill were the principal parties to blame. I am not now going to join in that censure, but there is the fact, that for two years that was the position we took. Now, we remove this opposition and say: Give these gentlemen an opportunity to try their skill; give them a new charter, ignoring entirely the rights of those who obtained the former charter. It is a recognized practice in Parliament, and a recognized principle, that if you are doing away with any vested rights in a project the successors who take up that project have to adopt them. That is a well recognized principle, and I think one that is eminently fair.

Hon. Mr. POWER—Are we taking away the charter from the original company?

Hon. Mr SCOTT—Practically we are. The moment we grant this charter the other is utterly hopeless. There is no intention to renew the other charter, because it would simply destroy the chances either company would have to build the road. I would rather now see the new company have an opportunity of building the road. It would be still better if the two companies would combine, but it appears to be utterly impossible to have a fusion of the two interests. We are therefore practically destroying the old charter. Whether it has a life of a year and a-half or a year I cannot say, but we are practically superseding the old charter by this new one. Hon. gentlemen will agree with me, if a new Bill were not before us, and the promoters of the old company should come before us for a renewal of their charter we would grant it. We have done such things every session. Companies come to us with the simple proposal that they require a renewal of their charter, because they have some prospect of building their road, and it is always granted. We are not going to do that again in this case; we are giving it to an entirely new company, and therefore I say it is eminently a fair and reasonable proposition to say to these gentlemen who are getting the new charter: Your predecessors have incurred certain expenditures which must be reimbursed to them. The president of the road, Mr. Hickey, at an earlier date than my hon. friend's quotation,

placed those expenditures at $12,000—not of bonuses or presents, but the actual cash expenditure, and any gentleman who is at all familiar with placing such a charter before the public and getting bonuses and assistance for it must be aware that very considerable sums of money have to be spent in promoting it. This company was acting in concert with a company known as the Ottawa, Waddington and New York Railway and Bridge Company. Authority had to be obtained at Washington for the bridge across the St. Lawrence; frequent visits had to be made there; the Secretary of War had to be consulted. It took two or three years before all this could be done, and it will be seen that $12,000 or $15,000 is a small item to cover that expenditure. The new company are not asked to pay that; they are simply asked that when they issue their bonds they shall hand over $15,000 of those bonds to meet the actual disbursements of the people who were connected with the first venture. I ask hon. gentlemen to consider a moment whether that is a fair or reasonable proposition. There is no embarrassment about it. It does not saddle the company with any new debts. The new Board under the Bill are simply trustees or testators for the old, and it will not affect the credit of the company or embarrass it in any degree. I do not hesitate to say that there are widows interested in this case. If hon. gentlemen only knew the circumstance of this case——

HON. MR. ALMON—Are there any children?

HON. MR. SCOTT—No. Hon. gentlemen may smile, but if they knew the particulars—if they knew the circumstances of those widows of the two gentlemen who were connected with this road first, who for year in and year out worked hard for this enterprise to place it before the public, agitating for bonuses from the municipalities, and for right of way, and all these facts, surely they would consider them enough to justify the appeal that I now make to the House to consider whether my hon. friend's amendment is not a reasonable, fair and just proposition. The company are not asked to pay any money if the road does not go on; they do not contribute anything; but if they do issue their bonds, that they shall contribute $15,000 of the bonds to these parties. For this the promoters of the new charters will have obtained from the old company more than an equivalent.

The House divided on the amendment, which was lost on the following division:—

CONTENTS:

Hon. Messrs.

Haythorne,	Stevens,
McClelan,	Vidal,
Reesor,	Wark.—7.
Scott,	

NON-CONTENTS:

Hon. Messrs.

Abbott,	McKay,
Almon,	McKindsey,
Archibald,	McMillan,
Baillargeon,	McLaren,
Bolduc,	McDonald (Victoria),
Boulton,	Macfarlane,
Casgrain,	MacInnes (Burlington),
Chaffers,	Merner,
Cochrane,	Montgomery,
DeBlois,	Murphy,
Dever,	Pâquet,
Girard,	Perley,
Glasier,	Prowse,
Howlan,	Read (Quinté),
Kaulbach,	Reid (Cariboo),
Lewin,	Robitaille,
Lougheed,	Sanford,
McCallum,	Smith,
McDonald (C.B.),	Sullivan,
McInnes (B.C.),	Sutherland.—40.

The Bill was then read the third time, and passed.

BILLS INTRODUCED.

Bill (36) "An Act to confirm an Agreement between the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company, and the Canadian Pacific Railway Company." (Mr. Perley.)

Bill (71) "An Act to incorporate the Brandon and South-Western Railway Company." (Mr. Boulton.)

Bill (17) "An Act to amend the Patent Act." (Mr. Abbott.)

The Senate adjourned at 6:10 p.m.

THE SENATE.

Ottawa, Thursday, March 6th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

MARRIAGE WITH DECEASED WIFE'S SISTER BILL.

FIRST READING.

HON. MR. ALMON introduced Bill (U) "An Act to amend the Act respecting Marriage with a Deceased Wife's Sister."

He said: The object of this Bill is, whereas a man is now allowed to marry his deceased wife's sister, that he may be allowed to marry his deceased wife's sister's daughter.

The Bill was read the first time.

GEOLOGICAL SURVEY BILL.

THIRD READING.

The Order of the Day being called—, Third reading of Bill (C) "An Act respecting the Department of Mining and Natural History."

HON. MR. ABBOTT said: I understand from my hon. friend that at the third reading of this Bill it was expected that some slight changes would be needed to meet the suggestions of persons interested in this Survey and in the business connected with it, with reference to two subjects, but mainly as to the name which is to be given to this new Department, and as to the position of the scientific gentlemen who do the original scientific work and investigation connected with it. It was thought that these gentlemen did require some consideration, as their functions are quite different from those of an ordinary clerk in a Department. That subject has received the careful consideration of the Government. The question of name also, though resting more upon sentiment than anything else, appeared to deserve attention. The Geological Survey of Canada is the first systematic and permanent Geological Survey in the world, I believe, except that of England, and the name has by its antiquity acquired a sort of historical interest which those connected with the Survey very naturally and very properly desire to preserve. I do not think anything conduces more to the efficiency of the public service than to keep up the *esprit de corps* and the interest in its success of those concerned in it; and for that reason, that question appeared also to deserve careful consideration, and it has received it. I propose now, before reading the Bill a third time, to ask the House to amend the Bill in these two particulars. I propose to preserve the original name and call it the Department of the Geological Survey. I propose to give to those employés of this Survey who are engaged in original scientific work of investigation the rank or class of technical officers, which is provided for by the Civil Service Act. I do not propose to introduce anything new. The Civil Service Act provides for such a class of civil servants, and it is proposed to give to those persons who are engaged in original scientific work in this Department the position in Class B, under the Civil Service Act, of technical officers. For that purpose, I move that the Bill be not now read a third time, but that it be referred back to a Committee of the Whole House, for further consideration.

The motion was agreed to.

(In the Committee.)

HON. MR. ABBOTT said: I move to strike out section 9. This clause was inserted because it was in the original Act authorizing this Survey, but since that period the requirements of the laws with regard to railway companies have been made much more stringent; and now a copy or duplicate of every map and plan of every railway is deposited in the Department of Railways; and it is very seldom that such maps or plans are required, because they do not suit the requirements of the Geological Survey as a rule. They merely indicate the route and the adjoining lots. They are of no value for the purposes of this Survey; the making of them involves a great deal of labor, and they are very voluminous. This clause has never been acted upon; but at all events, if these maps are required there is one Department of the Government which will be in possession of a duplicate of them; and it is considered unnecessary to impose upon the railway companies the additional trouble and expense of procuring a third copy of their maps and plans. I therefore move to strike out the clause.

The motion was agreed to.

HON. MR. POWER—There is just one point in connection with the Department to which I desire to call the attention of the leader of the House, with a view, perhaps, if he thinks the suggestion one of value, to having it communicated to the Minister of the Interior. Hon. gentlemen are aware that the reports of this Department now appear in two different forms. At one time the reports appeared in only one form. That was a large volume published at the close of the year, or some time after the close of the year, and each large volume embodied the transactions of the whole year and of all the officers in the employ of the Survey whose reports were thought worthy of being made public. During the last two or three years a different system has been adopted, and there are several reports of individual officers now published. For instance, there are very valuable reports of the officer who has been at work in British Columbia for the last two or three years, which have been published by themselves; and the reports of other officers employed in different sections of the Dominion, the North West and, I think, the Maritime Provinces, have been published separately. These reports are necessarily smaller volumes than the one which embodies them all, as well as the report of the Director. They are comparatively cheap, and they are of very great interest to people in those regions to which they relate. Now, I have been informed that heretofore these individual reports, if one may so call them, which have been printed, one would suppose, for the purpose of being distributed in the places where they would be most valuable, have nearly all been stored in the rooms of the Geological Survey at Ottawa, and have not got to the people for whom they were intended. I should suggest that a better way would be to cause these individual reports to be distributed in the places where they are calculated to do the most good. They cost very little, and they are more likely to be read than the large book. The report with respect to British Columbia, for instance, would probably be read by thousands in that Province, and the same would be the case with reports which relate to other Provinces. Instead of distributing the large volumes and not distributing the small ones, I think the better way would be to issue the smaller volumes and distribute them where they are most needed. That would apply not only to the future; but a few of the several thousands lying in the vaults of the Geological Survey might be distributed in the near future in the Provinces to which they relate.

HON. MR. ABBOTT—I shall have great pleasure in bringing the matter to which my hon. friend refers to the notice of the Minister of the Interior. I am sure that he will cause enquiries to be made, and if there are copies available for distribution I think he will consider my hon. friend's suggestion a very judicious one.

HON. MR. READ, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time, and passed.

STEAMBOAT INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committe of the Whole on Bill (O) "An Act to amend the Steamboat Inspection Act, Chap. 78, Revised Statutes."

(In the Committee.)

On the 1st clause,—

HON. MR. ABBOTT—There have been numerous complaints with reference to these certificates, on the ground that an inferior class of engineers from over the line have flocked into this country and have been certificated. In fact, numbers finding some difficulty perhaps in getting employment in their own country, get certificates here, so supplanting our own people, and diminishing the chances of employment which they perhaps have a right to possess, more especially as they are unable to retort in kind upon their southern competitors, as no Canadian engineer can be certificated in the United States without taking the oath of allegiance there. At present there is no restriction whatever upon foreign engineers coming into this country and being certificated or employed here, without any such ceremony at all. The subject has been under the notice of the Government, and it has been very carefully considered, but it is not proposed to make a rule so stringent as that which

is applied to our people on the other side. We possess in our Masters and Mates Qualification Act a provision that a man shall not receive his certificate as a master or mate of a vessel unless he shall have been three years domiciled in Canada. In that Act, however, it is provided that employment on a Canadian vessel shall be equivalent to a domicile, so that he may either live in Canada for three years, or may be employed on a Canadian vessel for three years, or he may have part of one and part of the other qualification. I propose simply to adapt to this Act the same provision which has existed for some time, and is now on our Statute-book with reference to masters and mates. With that view, I shall propose to the committee to amend this Act by inserting, as a second sub-section to section 1 of the Bill: "But such applicant, if not a British subject, shall only be entitled to a certificate if, in addition to the qualification required by this Act, he shall have been domiciled in Canada for at least three years; and service as an engineer of any class upon any Canadian steamboat shall be deemed to constitute a domicile in Canada while so serving." This is exactly the provision I find in the Revised Statutes with reference to masters.

HON. MR. POWER—Would not service on any British vessel do as well as service on a vessel in Canada?

HON. MR. ABBOTT—We thought it better to confine it to steamers.

HON. MR. KAULBACH—I think this is an important alteration, and on the second reading I suggested some amendment of this kind when the House would go into a Committee of the Whole on the Bill. We find in Nova Scotia this grievance has been very great. Our men there, who are loyal subjects of Canada, have gone over to the United States and have been refused employment, and have been dismissed from service there in consequence of not being naturalized citizens of the Republic. It has had this bad effect, that in order to obtain employment it has induced some of our subjects to transfer their allegiance to the United States. On the other hand, American engineers can come over to Canada, serve for the season on Canadian vessels and afterwards return to the United States. The amendment proposed is in the line of what I suggested to the House. It is certainly an improvement, and it will be an inducement for American engineers who come over from the United States to serve in Canada to become residents for three years, and subsequently become citizens of our country. It does not deprive any citizens of the United States from coming into this country. I know that the laws of the United States are very stringent against Canadians going over there and getting employment, but I do not think it would be wise for us to adopt the same rule. However, this is a wise provision, and I think it is in the right direction.

HON. MR. ABBOTT—I think there is no valid reason why service on a ship should not create domicile, as well as service on a steamboat and I am inclined to take the suggestion made by the hon. gentleman opposite that it be extended to ships.

HON. MR. POWER—My suggestion was to include service on a British ship as creating domicile.

HON. MR. MILLER—I think it should be service on board one of our own vessels to create domicile.

HON. MR. POWER—I see that subsection 2 of section 41 of the existing Act says: "If the report of the inspector or inspectors certifying to the fitness of the applicant is made at the time when the Board of Steamboat Inspection is not sitting it may be signed by such inspector or inspectors, who may grant a certificate to the applicant, to be in force only until the then next meeting of the Board." I presume there is some reason for making the change in the present Bill.

HON. MR. ABBOTT—The reason is one of convenience rather than anything else. There seems to be no possible object, after a man has gone through the proper examination, in compelling him to seek for two certificates when one would answer every purpose. The certificate of the Minister is substituted for the certificate of the Board, and the former practice of requiring an engineer to come before the Board again for another certificate, which would be practically based upon the certificate already issued, is done away with.

HON. MR. POWER—The explanation seems reasonable.

The clause was agreed to.

HON. MR. REID (B. C.), from the committee, reported the Bill as amended.

The amendements were concurred in, and the Bill was then read the third time, and passed.

COPYRIGHT ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (19) "An Act to amend the Copyright Act.'

(In the Committee.)

HON. MR. ABBOTT—This Act is, as the House already knows, intended to bring or place the Exchequer Courts amongst those courts which may try questions arising under the Copyright Act. The Copyright Act provides that if there be a dispute with respect to any copyright it shall be referred to a competent court, and that the decision of the court shall govern the Minister in his action upon the application for a copyright. As the clause stands, upon a careful consideration of it, I have not been able to satisfy myself that it might not be construed to give to the Exchequer Court exclusive jurisdiction, which is not the intention.

HON. MR. MILLER—"May" is the word used. It is not imperative.

HON. MR. ABBOTT—The word "may" might be construed in the imperative mood when applied to an official of a court, and I have thought it best to ask the House to to put it beyond the possibility of a doubt. I have submitted the point to the Minister of Justice, and he is of the same opinion as myself, that it would be better to clear up this doubt in the Bill. I would therefore propose to strike out the words in clause 3: "Any question arising under this section may be adjudicated upon by the Exchequer Court of Canada," and substitute the following: "The Exchequer Court of Canada shall be a competent court within the meaning of this Act, and shall have jurisdiction to adjudicate on any question arising under this section."

The amendment was agreed to.

HON. MR. MACINNES (Burlington), from the committee, reported the Bill as amended.

The amendment was concurred in, and the Bill was then read the third time, and passed.

THE INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (Q) "An Act to amend the General Inspection Act, Chapter 99, Revised Statutes."

(In the Committee.)

On section 1,—

HON. MR. ABBOTT said—Section 1 is intended to change the classification of pease. Now, I find under the General Inspection Act the Governor in Council has power to classify or change the classification of grains of all kinds, and that power is frequently exercised, and the Governor in Council can do precisely, by the exercise of that power, what it is proposed to do by this clause 1. On the attention of the Minister being called to that fact, he agreed with me in thinking that it was inexpedient to multiply the clauses in the Statute-book to regulate minor matters of this description which are expressly placed within the purview of the powers of the Governor in Council, and that this clause is wholly unnecessary. I therefore move that it be struck out.

The motion was agreed to.

On the 2nd clause,—

HON. MR. KAULBACH said—It seems to me that to put this clause into operation at once would not be advisable. Some time should be allowed to elapse, so that parties putting up pork would have sufficient knowledge of the law to pack as provided for by this section.

HON. MR. ABBOTT—My hon. friend is quite right, and I hold in my hand an amendment which I propose to move before the committee rises, retarding the operation of this section until after the 1st of September. It will not apply to any pork presented for inspection until after September.

HON. MR. CLEMOW—Why are there so many classifications?

HON. MR. ABBOTT—The hon. gentleman must not suppose the knowledge of a Minister to be universal. I cannot give the reasons for it. I can say this much, that it is on the suggestion of the trade, and after very full consultation with persons

engaged in the trade and with the inspectors, that these changes have been made. They are entirely satisfactory—in fact, desired and asked for by the trade—but the precise reason I am quite unable to give.

HON. MR. POWER—The same reason exists for striking out this rather complicated provision that existed for striking out the first clause of the Bill, because under the fifteenth section of the Act the Governor in Council may change or modify the classification. That is exactly what we are doing now; we are providing for a new classification of all pork, and why should we put that in the statute any more than the provision contained in the first clause? I think the better way would be to strike out this second clause, too.

HON. MR. ABBOTT—My hon. friend's suggestion is one that has a certain plausibility, and has been discussed, but this section does not confine itself to saying what shall be the classes, but makes the specific provision as to how the pork shall be cut up. It does not decide so much on the classification as on the mode in which the pork shall be packed, and it is thought desirable to put this in the Act, as it does not come literally under the clause my hon. friend has referred to, and it would be more extensively known and more easily referred to, and perhaps be past the possibility of any question of jurisdiction, which the other might not be.

HON. MR. POWER—There is one thing that strikes me about this clause. I do not know very much about the pork business, but there does not appear to be any provision for classifying such pork as is not cut up in the manner provided for in this clause.

HON. MR. DICKEY—That only applies to mess pork.

HON. MR. POWER—There does not appear to be any special reason why it should be cut up into pieces of that size, and it is not always so packed. There ought to be some way of classifying pork that is not cut up in that way.

HON. MR. ABBOTT—It is well understood that pork which does not come under that classification cannot be inspected. It is then what is called amongst lumbermen "cull" pork.

HON. MR. HOWLAN—The Act as it stands is taken from the English law, and the classification as it stands includes all portions of the hog except the head and feet. I can see no good reason for this provision requiring the pork to be cut into pieces of from 4 to 6 lbs, except that it must be for parties camping in the woods, and can be conveniently dealt out to the different camps or to parties who wish to purchase in small quantities. It cannot be intended for house or ship use.

HON. MR. ABBOTT—That must be the reason.

HON. MR. HOWLAN—Mess pork, which is generally used on board ship, is left as it is in the Act. The extra prime mess is for house use. While extra cuts of mess are the best pieces of the hog, prime mess is the next best, and prime may possibly be called the offal of the hog; so I can see no reason for this provision except the one I have suggested, that it is to accommodate those who work in the woods.

HON. MR. DICKEY—We have already cut out one clause of the Bill, and if we cut out another we may be open to the charge of cutting up the Bill.

HON. MR. HOWLAN—The hon. leader of the House informs us that the trade is in favor of this Bill. I think that he must mean those who sell the pork, and not those who pack it.

The motion was agreed to.

HON. MR. ABBOTT moved to amend the third clause by providing that the Act should only apply to pork submitted for inspection after the first day of September next.

HON. MR. HAYTHORNE—That is too soon, because a great deal of pork will be on hand then.

HON. MR. ABBOTT—We want to have this come into force in time for the new crop. There are parts of the country where pork is cured in September. The old pork would be inspected before that time.

The motion was agreed to.

On the last clause,—

HON. MR. POWER—I see that this is re-enacting the old Inspection Act. Last year we amended the Inspection Act, and we are now striking out that amendment and going back to the old Act.

HON. MR. ABBOTT—We are never too old to learn.

HON. MR. HAYTHORNE—It seems to me that the amendments are all in favor of the large packers. In Prince Edward Island there are men engaged in the trade who have produced pickled pork of the finest quality possible. I do not think they always use these small cuts. I am inclined to think the contrary, that they try to do with as few cuts as possible, believing that the cuts conduce sooner or later to the spoiling of the pork.

HON. MR. ABBOTT—The best class of pork is mess pork, and it can be cut into any size that the packers please. These amendments do not apply to mess pork.

HON. MR. POWER—With respect to the suggestion of the hon. leader, about never being too old to learn, there is another construction to be put on the conduct of the Government—that they passed the legislation last year without due consideration.

HON. MR. ABBOTT—My hon. friend must see that this is a very complicated department. The Government are standing alone against the ingenuity of the traders throughout the country, and they are obliged to get their knowledge of the details of the system by experience. They can hardly be accused of ignorance of the subject because they find one way of a complishing a thing is better than another way.

HON. MR. PROWSE, from the committee, reported the Bill with amendments, which were concurred in.

HON. MR. ABBOTT moved the third reading of the Bill, as amended.

HON. MR. HAYTHORNE—I accept the statement made by the leader of the Government, that the trade have asked for these amendments, but so far as my small experience goes, they are quite opposed to the practice in Prince Edward Island, where, as I have said, they have produced perhaps as fine and as well-cured pork as in any other part of Canada. The experience of packers in Prince Edward Island is against cutting the pork into such small pieces. On the contrary, their cuts pursue the rib of the animal, and are packed in the casks the whole way round the carcass. It seems to be quite incompatible with the demands of the trade. The leader of the Government has said very confidently that the trade demand this change, and that therefore it is in their interests. All I can say is, that it is opposed to the practice of the Prince Edward Island packers.

HON. MR. ABBOTT—It is explained by gentlemen who understand the matter better than I do, that these changes are made in the interests of the greatest consumers of pork, the lumbering population of the country, and I suppose there is not a large lumbering population in Prince Edward Island. I hope it will not prove inconvenient to any extent to the packers in Prince Edward Island. It is possible that it may be so, but I have stated what I am informed is actually the case, that the great consumers, purchasers, and dealers in pork desire these alterations, and it is for that reason that the Bill has been brought in.

HON. MR. PROWSE—It would almost appear from the wording of the Bill that it will be optional with the packer whether he shall have his pork inspected or not. If it were compulsory it would be a hardship to the packers of pork on the Island. There is a good deal of pork packed in the Province, for which a ready market is found in Halifax, and there is no objection raised to it. The practice in Prince Edward Island is to cut the pork in pieces running from the back half round the carcass, and 6 inches deep. That is the way they pack mess and prime mess.

HON. MR. DEVER—There is no doubt that is the usual practice of packing in the east. American pork is packed as the hon. gentleman has described it. With reference to the Prince Edward Island pork, it is not consumed in the Province, but is exported. I am not prepared to say whether this alteration in the law is desirable or objectionable, but I know the practice in the past has been to take the half carcass, from the spine round to the

belly of the animal, and, as the hon. gentleman has said, 6 or 8 inches wide. That has been the system of packing mess and prime mess. There was, I think, another grade called "clear"—that is, pork without the bone. I do not see that mentioned at all.

HON. MR. POWER—I find, looking carefully at the section of the Inspection Act which this Bill is intended to amend, that the Bill does not deal with mess or prime mess pork at all. What is now the firstsection of the Bill deals only with sub-section 1 of section 52, and if the hon. gentleman will look at the Inspection Act he will find that sub-section 2 of section 52 deals with mess pork, and describes what it shall be. Sub-section 3 deals with extra prime pork, and describes what it shall be; sub-section 4 with prime mess pork and sub-section 5 with prime pork. The law is not altered as to these at all. What is now clause 2 of this Bill adds two new sub-sections between sub-sections 6 and 7 of this section of the Act. It does not apply to Prince Edward Island pork at all, as far as I can gather.

HON. MR. ABBOTT—This present Bill does not make any difference in the size of the peices into which the pork is to be cut. It appears from a cursory glance at it that under the law as it stands in the Statute-book it is to be cut certain sizes. There is a difference in the number of grades, apparently, as these are only five by the General Inspection Act and they are made seven by this Bill, so there is not so great a change as my hon. friend supposes.

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

THE CONTINGENT ACCOUNTS OF THE SENATE.

THIRD REPORT OF THE COMMITTEE ADOPTED.

The Order of the Day being called,—Consideration of the Third Report of the Select Committee appointed to examine and report upon the Contingent Accounts of the Senate.

HON. MR. READ said—This report recommends that a person named Davis be superannuated for physical incapacity, and also that certain appointments be made.

HON. MR. KAULBACH—I rise with some hesitancy to speak on this matter. I see that the committee has not changed in effect the report made to the House on the 14th of February, and which did not meet with approval, or rather was sent back to the committee for further consideration. I see no alteration in the report except, as has been remarked to me, that it gives the ground why Davis should be superannuated, which was not mentioned on the former occasion. I do not approve of this report, because I see that Davis is employed in the House yet, and there is no appearance of physical incapacity about him. He appears to be as capable now as he ever was. I never heard of a man being superannuated who was doing his work satisfactorily and when he did not want to be superannuated. Unless some reason better than any that has yet been furnished is given for taking this course, I must disapprove of the report. I believe there is something behind this recommendation. It is said that Davis has been injured in some way that would incapacitate him from heavy lifting or anything of that kind, but I think he is capable of performing the duties imposed upon him in this House. It is a dangerous precedent to establish to superannuate a young man. Why should we pay two men for doing the work of one? Why should we put a charge of $250 a year on the contingencies of the Senate without cause? I am told that this young man's habits have not been good. Has he been admonished with regard to any weakness of that kind, and put on probation, and given to understand that unless he pursues a better course he will be summarily dismissed? It seems that nothing of the kind has been done—that he has not been cautioned by the committee, but is to be superannuated, while to all appearances he is as capable of performing his duties here as he ever was. It seems to me that to take the course recommended by the committee is to offer a premium to men in our employ to neglect their duties and to fall into evil habits in order to be superannuated. It is not fair to the other servants of this House that we should, because this young man has been guilty of some indiscretion, superannuate him and put an unnecessary charge on the Senate. I understand that the young man has taken the pledge and promised to do his work faithfully and

well. He knows what the consequences of any violation of that pledge would be, and therefore I think that he ought to be placed on probation, and not superannuated while he is yet young and able to discharge his duties.

HON. MR. MILLER—I feel very little personal interest in the question under consideration, and but for one thing I would be very indifferent whether the report is adopted or rejected. However, I would ask the House to consider that the Contingent Committee is a very large body; that this subject has gone twice before it; that a similar report came in with reference to these items some weeks ago, and that that report was sent back again to the Contingent committee; and the Committee, after full consideration, has re-reported to the same effect as on the first occasion. I think the House ought to take it for granted that a committee so large as that, after considering a question twice, and reporting again to the House——

HON. MR. BOTSFORD—Where it was fully discussed.

HON. MR. MILLER—Yes; where it was fully discussed, have not been hasty or unwise in the conclusion at which they have arrived. The question with regard to Davis is one possessing some rather delicate features, and the facts and details of it cannot be as well discussed in this House as they could be in committee. For my own part, I am not willing to repeat the arguements and statements made before the committee, and which were undoubtedley true, in reference to this young man; therefore, I do not think the House is in as good a position to form a conclusion on this question as the committee who had it under consideration. I wish the House to recollect that the Contingent Committee is a large committee, and they should also know this fact, that on the only division in that committee, on this report in connection with Davis, there were but five of a minority, and that after full discussion of the question. The hon. gentleman says we had no evidence. We had the best evidence before us of the physical incapacity of this messenger.

HON. MR. KAULBACH—I did not say the committee had no evidence. I said we have evidence of his apparent capacity to attend to his duties.

HON. MR. MILLER—The evidence before the hon. gentleman has proved very deceptive on occasion after occasion. That is all the length I desire to go on that view of the case; but we have had the evidence of a medical man of high standing, a member of this House and of the committee, Dr. Paquet, that the messenger Davis is physically unable to discharge his duties. I venture to say that all who know Dr. Paquet will feel satisfied that he would not make such a statement before the committee, as a professional man, unless he had good reasons for doing so. There is another question in connection with this subject that I wish to allude to. The Chief Messenger, who is not harsh, and who is known as a kind-hearted man, has recommended, for what I consider good cause, the superannuation of this messenger. If against that recommendation, and against the recommendation of the large committee of this House, Davis is kept on now, it will be a triumph for him over the Chief Messenger and over the committee. I do not wish the House or the Chief Messenger to be placed in a humiliating position in connection with so trivial a matter. We have regulated our staff on the assumption that this young man should be superannuated, and it would disturb the whole arrangement which we have made, and which has been going on during the Session, if we now refuse to adopt this report. Under all the circumstances, I think the House should hesitate before rejecting a report of a committee such as the Contingent Committee on a question of this kind, and for various reasons: first, because it would be for no good cause; secondly, because the conduct of the young man has not been such as it should be, though we are willing to superannuate him when it is shown from the testimony of a medical man that he was unable from physical incapacity to do his work. We were willing to take the kindest view of the matter on that evidence rather than dismiss him for a cause which long ago perhaps rendered him liable to dismissal. As for taking him on again on probation, I don't want to refer to that matter. It has been done before. I think the wisest course is to adopt the report of the committee.

The motion was agreed to.

DOMINION ELECTIONS ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of (Bill 7) "An Act further to amend the Dominion Elections Act, Cap. 8, of the Revised Statutes of Canada." He said: I hope my hon. friend from Halifax will deal tenderly with me now, because I am about to propose a similar thing to that which he complained of a few minutes ago. I am about to ask the House to pass a Bill which is intended to remedy a difficulty which has arisen under the last Dominion Elections Act, and which was caused by the fact that by that Act something was undone, and we have got to do it again, because we find it necessary and expedient, and in the public interest to do it, and we are not afraid or ashamed to come before the House and say we think it better to go back to what we had before, after giving both systems a fair trial. It is with reference to the nominations in the district of Gaspé. By the original Act the nominations for the district of Gaspé, as well as for the district of Algoma, were not necessarily fixed for the same day as the nominations in other parts of the Provinces. It was thought that in Gaspé this exception might be done away with—that there might be time enough in Gaspé, notwithstanding the extent of the county, to have the nomination on the same day as the nominations in the rest of the Dominion; but unfortunately it has been found that it is not praticable. The county is too large to be able to give the requisite notice for the polling, and therefore this Bill is introduced to bring us back to the position we occupied before the last Act, to have the nominations in Gaspé fixed for a special date.

HON. MR. McINNES (B. C.)—Does not the same reason apply to the districts of Cariboo and Yale, in British Columbia.

HON. MR. ABBOTT—I could not tell my hon. friend.

HON. MR. McINNES (B.C.)—Those districts are certainly as large as Gaspé, and it is as difficult to have notices distributed there in time.

HON. MR. POWER—I think they were excepted also.

HON. MR. ABBOTT—My hon. friend must know that the Magdalen Islands are included in the Gaspé district.

HON. MR. MILLER—It is peculiarly a Bill for the House of Commons to deal with.

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

RAILWAY SUBSIDIES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (43) "An Act to amend the Act 52 Vic., Cap. 4, intituled: 'An Act to authorize the granting of Subsidies in Land to certain Railway Companies.'"

(In the Committee).

HON. MR. ABBOTT—I promised an explanation with regard to this Bill when it was read the second time, which explanation I am now in a position to give. It appears that these two companies are authorised to construct a railway from the Canadian Pacific Railway to a point south of it, each having a portion of the railway to construct. The North-Western Coal and Navigation Company (Limited) has already constructed the first portion, and the Alberta Railway and Coal Company is authorised to construct the second portion. They are both under the control of the same parties, practically, and have in fact power to amalgamate afterwards; but in the meantime, the North-Western Coal and Navigation Company, to which this land was given, has no power to construct the piece of railway in aid of which the the grant was made, while the Albert Railway and Coal Company was incorporated for the purpose of making that section, and it was to that company the subsidy was promised. Now, the error, if it was an error, which occurred in the office of the Department of the Interior, or in the office of the draughtsman who drew the Bill—it is not known exactly how it occurred—was not rectified, because Sir Alexander Galt, who is the main promoter of the scheme, and through whose energy the first portion of the railway has already been constructed, left Canada immediately upon the passing of the Bill, and before the subsidy which had been promised to this railway had been

put of record in the Act. He, therefore, knew nothing about the mistake. If he had been here, undoubtedly it would have been corrected. No one else outside of the draughtsman or the people connected with the Government Department knew that the error had occurred, or knew anything about it, and he did not discover it until after the Session was over. Upon his ascertaining that the error had been committed he represented the case to the Government, and an Order in Council was passed last October correcting the mistake, and it is to enable that Order in Council to be put in force that the present Bill is introduced to substitute the name of the company which is to build the road and has the power to build the road for the name of the company which is not to build the road and has no power to do it.

HON. MR. MURPHY, from the committee, reported the Bill without amendment.

The Bill was read the third time, and passed.

ERIE AND HURON RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. McINNES (B.C.), in the absence of MR. VIDAL, moved the second reading of Bill (57) "An Act respecting the Erie and Huron Railway Company." He said: This Bill is an ordinary railway Bill, asking for power to extend the railway from Dresden, in the county of Bothwell, to Oil Springs, Petrolia and Sarnia. I do not think the Bill contains any unusual clauses—at least, if it does I am not aware of it, and my hon. friend gave me to understand before he left for home that he thought there would be no objection to it.

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

THE RAILWAY ACT AMENDMENT BILL.

WITHDRAWN.

The Order of the Day being called,—Second reading Bill (L) "An Act to amend the Railway Act as respects running powers."

HON. MR. BOULTON said, With the permission of the House, I shall withdraw this Bill.

The motion was agreed to, and the Bill was withdrawn.

TRADE MARKS AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (18) "An Act to amend the Act respecting Trade Marks and Industrial Designs."

(In the Committee.)

HON. MR. MILLER—Is is intended here to give the Echequer Court exclusive jurisdiction in these matters?

HON. MR. ABBOTT—Yes; the Exchequer Court, which is a much better tribunal to decide important questions of law, is substituted for the Minister.

HON. MR. MILLER—It is not exclusive jurisdiction under the 3rd section.

HON. MR. ABBOTT—Only on one subject.

HON. MR. BOULTON, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

THIRD READING.

Bill (H) "An Act for the relief of Christiana Filman Glover." (Mr. Clemow.)

DISCLOSURE OF OFFICIAL INFORMATION BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (T) "An Act to prevent the disclosure of Official Documents and Information." He said: This is a Bill, introduced for the purpose of preventing and punishing misconduct in the disclosure, by persons in positions of trust, of important information respecting public matters, which comes to them by virtue of the trust reposed in them. It is a subject which has attracted a good deal of attention in England and Europe the last three or four years in connection with some extraordinary disclosures which were made there of public documents of the very highest national importance. I am informed that this Bill is very nearly an exact copy of the English Act passed

on the subject, and I hope the House will agree with me in thinking that it covers every possible case, and is not of undue severity in its provisions. It has no other object than what I have stated. It appears to be somewhat long, but it is necessary to specify every particular offence that can be committed within the purview of the Act.

HON. MR. POWER—The Bill is all right in principle, but as the details are numerous, and are such as require rather careful looking into, I hope the leader of the House will not ask for committee before Tuesday.

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

SUMMERSIDE BANK BILL.

SECOND READING.

HON. MR. HOWLAN moved the second reading of Bill (72) "An Act respecting the Summerside Bank." He said: This Bill is for the purpose of enabling the Summerside Bank, whose charter expires on the 1st of May coming, to extend its operations until the 1st of July, 1891, so that by that time it may come under the new banking law.

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

The Senate adjourned at 5.10 p.m.

THE SENATE.

Ottawa, Friday, March 7th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine preceedings.

WELLAND CANAL INVESTIGAION.

ENQUIRY.

HON. MR. McCALLUM rose to—

Enquire of the Government if A. F. Wood, Esq., Commissioner on the Welland Canal Investigation, has made a further report, and, if so, will the Government lay the same on the Table of this House?

He said: I gave notice of this enquiry on the 4th of this month. Hon. gentlemen will recollect that on the 3rd instant there was a report laid on the Table of this House, made by A. F. Wood, Esq., Commissioner on the Welland Canal Investigation. I am led to believe there was a further report, and that is why I make this enquiry of the Government. If there is a second report, I want to ask that it be laid on the Table of this House. To my great surprise I found, on the evening of the 4th, in one of the newspapers published in Toronto, what purported to be a report made by Mr. Wood. I hold it in my hand, and, to my mind, it is surprising that the press of the country should get such a document before it is laid on the Table of this House. Of course, there was one report laid before Parliament, but not this one, and, with the permission of the House, I shall read it:

"OTTAWA, March 3.—The report of Commissioner A. F. Wood, who was appointed to investigate into the management of the Welland Canal last summer, was presented to the Senate to-day."

This report was not "presented to the Senate to-day:"

"The evidence is very voluminous, and the report bears indications that Mr. Wood has made a searching and painstaking enquiry. He makes the following suggestions as to changes in the present management of the canal, which he considers essential, not only in the interests of the public service, but in the interests of economy:

"'The investigation disclosed an unnecessary multiplication of offices. In my opinion, there are too many 'overseers;' more foremen than necessary; no use for the harbor masters, and the office of storekeeper, as now utilised, unnecessary.

"'A report, ordered by me, from the canal office, and forming part of the evidence, gives four overseers to the 'new' canal, and two to the 'old'—six in all. It gives sixteen foremen.

"'One superintendent is enough for a canal twenty-seven miles long, if he confines himself to the duties of that office.'"

I don't think my friend, the commissioner, knows the length of the Welland Canal, or he would not have put it at that. When he makes such a report to the Government he is endeavoring to teach ducks how to swim. I can tell the length of the Welland Canal as well as I can tell the number of fingers on my hand. Instead of the Welland Canal being twenty-seven miles long, it is more than fifty miles long, taking all its branches.

"'As the system is being operated on the Welland Canal, Mr. Ellis occupies very much the position of the head of a department, with six superintendents under him; each over a division, of which there are four on the 'new canal,' and two on the 'old.'

"'These superintendents, called 'overseers,' look after the 'divisions,' and communicate with the 'head' superintendent, at his office, in the canal office buildings, and are often brought there on very trivial business. His office hours are from 10 a.m. to 4 p.m.

"'If the superintendent devotes himself to the actual work of his office, coming in contact with the men and work two or three times per week (for doing which he now receives an allowance of $300 per annum for horse hire), the 'overseers' could confine themselves to their legitimate duties on the canal, and two would be sufficient on the 'new,' and one on the 'old' canal

"'And as evidence that I am correct in so stating, I would call attention to the fact that J. G. Demare, 'overseer' of No. 1 Division, which is one of the most important, has been put in general charge of the whole of the 'new' canal, in addition, and attends to both satisfactorily. In his 'second' office he is doing what the superintendent should do personally.'"

This is news to me, though I live along the canal, and, I believe, it is news to every man, woman and child in the country. This man, Demare, has forced himself, because he is a pet of Mr. Ellis', to think that he has charge over the canal; but, when the commissioner reports this to the House, he states what is not correct. He is the man of whom I spoke the other day as being so skilful and energetic in his own interests. Mr. Page said, in the witness stand, that Mr. Demare was skilful and energetic. I think I explained to the House the other day how skilled and energetic he was, and I am not going to trouble hon. gentlemen by repeating it to-day. When this document is laid before the House I shall some day consider the whole report—commissioner, officials and all. I shall do so, if it takes two days, or a week. I am willing to devote my time to it, in the interests of the country, until those barnacles are all scraped from the bottom of the ship.

HON. MR. BELLEROSE—You will not succeed.

HON. MR. McCALLUM—I will; because, I do not take up a cause until I am satisfied that it is a good one. Over two years ago I brought this matter to the notice of the House and of the Government.

HON. MR. BELLEROSE—You will not succeed.

HON. MR. McCALLUM—I believe I shall succeed. I am satisfied that the Government is anxious to do only what is right in this business, and that they will make those people "walk the plank:"

"'There are too many foremen. The report referred to gives sixteen. Some of these now in the employ of the canal are not competent for the duties of such a position. The evidence disclosed a want of definite duties to these men. One-half the number, composed of active, energetic men, suited to act in that capacity with well-defined duties, would be more effective for the purposes for which they are employed, in my opinion, than the present staff. It was difficult in the evidence given to fix blame for irregularities, for the reason that the work of the foremen clashed with each other, and responsibility was easily shifted on to other shoulders.'"

I fix the responsibility where it ought to be, on behalf of the people of this country. I put it on the right shoulders, and if the Government will publish the evidence taken at that enquiry every man in the Dominion will see that I put the responsibility on the right shoulders. I said the other day, from my place in this Chamber, that I hoped no other public work in this country is conducted in the way the Welland Canal has been, and I gave the names of the parties who comprise a ring formed, not for the good of the country, but for their own individual benefit:

"'The harbor-masters have very light duties to perform, which can be readily done by the overseers at each end of the canal and not interfere with their present duties, providing they are not required to leave their work and wait on the superintendent at the canal office, where they are now frequently kept for hours, often, I think, needlessly.'"

The commissioner gives his opinion of harbor-masters. I differ from him there. Harbor-masters should be sailors, and should know how to handle vessels. A man may do very well as a foreman on the canal, and know nothing of how to handle a vessel in the harbor. There is another way that can be done away with, and that is by not imposing the duties of harbor-master on the overseer of the canal:

"The storekeeper's office, as now carried out, is no use to the service, either for the work performed or as a check. He has only a portion of the supplies under his charge. He should either have full charge, if such an office is decided necessary, or the office abolished.'

He is the gentleman that I said the other day was of as much use on the canal as a fifth wheel is to a coach. You can see that the commissioner is coming down in his report. If the Government will get him to make one or two more reports he will come down to the evidence, and I have not the slightest doubt if they pay him he will make one or two more. He is coming down now. You will see that the last one is coming more to what I stated in the House, and if they pay him for one or two more he will agree with me exactly.

HON. MR. McINNES (B.C.)—How much will it require?

HON. MR. McCALLUM—I do not know; I guess he charges pretty high.

"An active qualified clerk, directly responsible to the superintendent (and whose duty it should be to look after him) would be far more efficient."

Not one in whose books the red figures are in mourning to cover up railway fares for which the people of this country pay $205, while the actual cost was only $32:

"A better system of checks for 'time' and 'supplies' is necessary, and should extend to 'livery service,' railroad fares—in fact, to every branch of the canal service, and there should be some person responsible to see that it is properly performed.

"As the present system is carried out, the superintendent has undertaken at various times expensive works, such as the post office, Custom house and dock at Port Colborne, and large bridges, such as 'Dishers' and 'Shiners' without authority from the Department, and without consulting the Chief Engineer. I am satisfied from enquiry that it was never intended to put the superintendent of the Welland canal in the position of an administrative officer. Clearly his duties are executive, and should be confined to them.

"The present system seems to have grown up from the necessity of an increased force during the construction of the new canal—repairs and construction running close together, and not since reduced."

I do not see why it should. It did not grow from that at all, because the construction of the canal was carried on under contract, independent of the management of the canal altogether. The commissioner is wrong there, as he is in a good many instances. He is mistaken more than half of the time:

"In brief, I think the superintendent should resume the duties appertaining to that office, coming personally in contact two or three times per week with the men and work, at least (for which he has an allowance now of $300), and confine himself strictly to the duties of that office.

"Reduce the number of overseers to three on the new canal and one on the old canal. If necessary, make a deputy of one of the three on the new canal to assist (not to take the place of) the superintendent. Have the overseer at each end of the canal discharge the duties of harbor-masters, whose office should be abolished."

Mark the contrast! He said before that one superintendent is enough for the canal, but here he recommends a deputy. There are plenty of lock-tenders on the canal that know more than Mr. Ellis does, though he is managing the canal, and this man took advantage of it. He was "skilful and energetic" for his own interest, and, of course, assumed more than he should in the management of the work. The commissioner comes to this conclusion, how I do not know, except that he had a pleasure trip through the Welland Canal, and had this man Demare to be his guide and attendant. The report continues:

"Reduce the staff of foremen; have only active and efficient men in such positions. Abolish the storekeeper's office; introduce a better system of checks and extend it to the whole service. In fact, have a live system of internal management, embracing the spirit of the changes I have indicated, and I am prepared to say there will be, not only a direct saving of from $8,000 to $10,000 annually, and an indirect saving equally as large, but the service will be more effective in the public interest."

Now, what did I say the other day? I said that with proper management on the Welland Canal the country could save $12,000 a year in expenditure, and could save as much more that is now lost through mismanagement, making in all $24,000. The commissioner and I almost agree on that. He says that the saving would be from $16,000 to $20,000; I say it would be from $20,000 to $24,000; and I claim that I know as much as the commissioner does about the Welland Canal:

"An unnecessary multiplicity of offices always has a tendency to weaken any service, and on the Welland Canal such is the result beyond a doubt.

"A superintendent, to be effective, must feel the pulse of the work over which he is an overseer, by continually coming in contact with the men and work. On the Welland Canal there will be plenty to occupy his time and attention if he discharges his duties faithfully, without meddling with what belongs to another branch of the service.

"While the present general management meets, as I have before stated, the demands of shippers and commercial men so far as the transit of goods and vessels are concerned, at the same time there can be no doubt in my opinion but that it is accomplished at too much expense and unnecessary waste of time and labor.

"The Chief Engineer and Deputy Minister of Canals are men of large experience, and I respectfully submit these suggestions for re-organization for your consideration, with a proper deference to their judgment, but fully impressed with the importance of changes in the present management."

It is true that Mr. Wood has not signed this report, but how does it come to get to the press before being submitted to this House? Who gave it to the *Empire*? Was it Mr. Wood or the Department? I do not want to quarrel with the newspapers, but they appear to have a knowledge about these things sooner than Parliament. On the occasion of the first report, in fact the day that the commissioner gave it in, the *Empire* contained the following:—

"Mr. A. F. Wood, M.P.P., was here to-day, handing in his report on the recent Welland Canal investigation. It is understood that the result of the enquiry exonerates Mr. Ellis from the charges preferred against him."

Where did the *Empire* get that information? It happens that the correspondent was mistaken that time, and he may be mistaken now, in representing this as a second report from Mr. Wood. If the Government would take my suggestion, I would advise them to get Mr. Wood to make one or two more reports, and he will get somewhere near the truth. In his former report he said the charges were frivolous. Let him look at what I have stated to this House—and I stand by every word I said then—and show where I was incorrect. I know that I spoke a long time and tired the patience of my brother senators, but they will admit that I was warranted in all that I said when they consider the amount of public money that is wasted on the Welland Canal, and when I say that I know, from facts that have come to my knowledge since, that I did not get at 5 per cent. of the truth. I can tell the leader of the Government in this House that the sooner the Department acts in the direction I have indicated the better it will be for the country. I can tell him further, that since this investigation has taken place the officials have been wasting the public money and destroying public property. I have evidence to show it. I hope that even without moving for this report the Government will lay it on the Table, and will have the evidence published, so that the people can see what has been taking place on the Welland Canal. They may say that it will involve expense, that it will cost money; but I can tell them to-day that the Welland Canal investigation has saved more money already than it has cost, and if for no other reason than to be a warning to evil-doers hereafter, the evidence and the report should be published and distributed through the country. The Government have nothing to hide in this matter. I am perfectly satisfied that they want to show the world what is going on, and they will give evidence of their good faith by so doing. They never can satisfy the people along the Welland Canal that they do not want to smother up things when they lay one report on the Table to-day and give another report to the press to-morrow. Let them lay the whole matter before the people, so that they can judge between my statements in the Senate and the commissioner's report, and I am ready to stand by public opinion on this matter.

HON. MR. ABBOTT—I hope my hon. friend will dismiss from his own mind, and will also assist me in removing the impression from the minds of hon. members, that the Government is acting, or feels in any way different from what he says it ought to act and feel. The Government has nothing to conceal in this matter; it has no feeling on the subject at all. It desires solely to do justice, and if this official has been guilty of wrong-doing, of course they will punish him for it. I said so when my hon. friend brought this matter up a year ago; I say so still, but my hon. friend has been, I venture to say, without offence to him, a little premature in this discussion. When my hon. friend made the remarks with which he favored the House some time ago, the report was not then before the Senate. It was almost impossible for members to know of what he was speaking, and they certainly could not apply what he was saying to the substance of the report, because the report had not been laid before the House, and none of the members had seen it. My hon. friend now complains, as a serious wrong—and in that respect, to some extent, what he says is plausible—that this report first appeared in the public press before it was submitted to this House—this so-called second report. Now, the facts concerning that so-called second report are these: when the first report was laid before this House there was no knowledge on the part of the Government that there was any second report. In fact, when the commissioner made his report, which was laid before this House, he became *functus officio*. He had no right to make any other report; he was not called upon to do so, if this be a report at all, which is somewhat questionable from my hon. friend's statement, since it seems to be an unsigned memorandum made after the report was submitted to the Government—if it be a report at all, I would say with regard to it that the Government have only lately received it, and they are now considering what they will do with it. It is now under their consideration, whether they will take any notice of it at all, and if they consider that it is proper that it should be dealt with as an official report, it will at once be laid on the Table of this House. My hon. friend seems to think that the *Empire* had some special means of getting a knowledge on this subject.

HON. MR. McCALLUM—I gave my reasons.

HON. MR. ABBOTT—When the first report came out it was published in all the newspapers, except the *Empire*.

HON. MR. McCALLUM—That was after it was laid on the Table here.

HON. MR. ABBOTT—In this case the *Empire* was the only paper that published it. Now the *Empire* did not receive that report from the Government or any of their officials, so far as the Government know. The *Empire* acquired it in some way, but in what way I do not know. We have no idea in what way it came into their possession at all. Some enquiry has been made, but it has not been ascertained how it came into possession of this paper, and therefore no slight was intended to the House and no slight has occurred. The simple answer to my hon. friend's question is this: that this official has made what he calls a supplementary or second report, which report was made after his functions had ceased—after he had performed all that his commission required him to do, by sending in his report, and the evidence taken. The Government are yet considering what to do with this report. If they determine to treat it as an official report it will be laid before the House. In a few days the decision will be arrived at on the subject. When these reports are before the House, or when it is determined to disregard the second report, or whatever may be the official decision, and the papers are before the House for discussion of the subject, of course it will be my duty, if the matter is brought up, to discuss it with my hon. friend, and if this gentleman whom he accuses of impropriety of a very gross character has really been guilty and deserves punishment, he will most certainly receive it without fear or favor.

HON. MR. McCALLUM—My hon. friend says that I was premature in this matter. He did not know the provocation——

HON. MR. ABBOTT—What I meant to say was, that a discussion on the merits of this question was perhaps a little premature—I qualified what I was saying as much as I could—because the House was not in possession of these reports or papers.

HON. MR. McCALLUM—The report has been laid before the House, and members have had the same chance of getting it that I had. Does my hon. friend say that there is a second report?

HON. MR. ABBOTT—I say that there is a paper which was sent in by this official after he was *functus officio*, and the Government are considering whether they will treat it as an official report and deal with it, or whether they will pay no attention to it whatever.

HON. MR. McCALLUM—The leader of the Government can understand that when he says I am premature in this matter he forgets that I have waited a long time. I brought this matter before the Government two years ago, and last year I made my statement in this House. The investigation closed on the 13th of November last, and the report is before them now. I am satisfied that there is another report from the commissioner, whether the Government asked him to make it or not. It is strange that he should make a report if they did not ask him to do so, and if he made a report for which the public money has been paid, it is a public document, and should be laid before this House. I, therefore, urge strongly upon the leader of the Government to bring down this second report and the evidence taken during the investigation, and let it be given to the public. I do not for a moment say that the Government has anything to hide in this matter. The hon. leader of the House speaks as though only one individual is involved in this matter. If he will look at the evidence he will see that there are half a dozen officials in the ring. I want to see the public works of this country carried on efficiently and honestly. I must discuss this second report further, because it is contrary to the evidence where it says that Mr. Ellis did not hide anything from the Government. If the House will look at the explanatory letter from Mr. Ellis to the Government, on the 13th of May last, they can see that while he was building a bridge over Shiner's Creek, at a cost to the country of over $1,000, he hid it from the Government. He built this bridge for the township to please a member of Parliament, and hid the fact from the Government. Yet the commissioner has the audacity to say in his report that Mr.

Ellis did not hide anything from the Government, and he says many other things of a like character. He passes over important evidence which he should have taken into consideration. His first report states that Mr. Ellis did wrong, but that he did not mean to do it. How does the commissioner know whether these officials meant to do wrong or not? We should have the evidence before us, and then we can judge for ourselves what they meant to do. In his report, the commissioner says that the loss to the country is very trifling, but I have shown that Mr. Ellis took for his own benefit over $3,000, and that he squandered altogether over $37,000 of the public money that we know of, and I did not get at 5 per cent. of the loss. Therefore, I ask the leader of the House to have the whole of the evidence and the reports printed, to be an example to all evil-doers hereafter.

BILLS INTRODUCED.

Bill (69) "An Act respecting the St. Catharines and Niagara Central Railway Co." (Mr. McCallum.)

Bill (55) "An Act to incorporate the Shore Line Railway Bridge Co." (Mr. Botsford.)

Bill (54) "An Act to incorporate the Interprovincial Bridge Co." (Mr. Clemow.)

Bill (64) "An Act to incorporate the Moncton and Prince Edward Island Railway and Ferry Co." (Mr. Poirier.)

A QUESTION OF PRIVILEGE.

HON. MR. MILLER—I rise to call the attention of the House to a paragraph published in the *Evening Journal* which has reference to myself. The matter is not of much importance, but one does not like to see himself pilloried in the press falsely. I shall read the paragraph to which I refer:

"SENATE AND COMMONS.

"The Senate sat with closed doors yesterday afternoon, the subject of debate being the new rules respecting the galleries made by the House of Commons. On Tuesday night Senator Sanford introduced three ladies into the gallery in which he used to be privileged. The Usher requested him to place them in the Senator's gallery, and he then found the Senate only had thirty seats in the Commons gallery. Senator Miller also made a similar mistake and was corrected. It is understood the Senate will demand more ample and more suitable accommodation."

14

Now, I may say in self-defence, that a greater untruth could not be uttered in reference to any member of this House than this when applied to me; for although over twenty years a member of the Senate, I can say unhesitatingly that I never once violated the rules of the gallery in the House of Commons, and perhaps very few members of the Senate can say as much for themselves. What I feel rather annoyed about is this. The discussion took place with closed doors. The paper must have manufactured that statement, or it must have received the false information from some member or some officer of the House. While I am loth to believe that any member of the House would wilfully misrepresent me in the manner in which I am misrepresented in that paragraph, or that any officer of the House would do so; still, I find it very difficult to escape from the dilemma of fixing the author as some one, I fear a Senator, within the Chamber at the time of the debate. There is a marked difference in the way Senator Sanford and myself are referred to in the quotation, although he had really been guilty of a violation of the rules. He admitted his guilt, and is not corrected; but the harshest language is applied to me in the same paragraph. The House is aware that all my remarks, in the discussion which took place with closed doors, strongly insisted on the observance of the rules of the Senate and that every word in the *Journal's* paragraph referring to me is an unmitigated untruth, concocted and circulated by some individual on whose corns I had trodden.

HON. MR. POIRIER—While we are on the question of privilege, I should like to know what are the positive instructions with regard to those galleries. I was this afternoon——

THE SPEAKER—The hon. gentleman is out of order.

The matter then dropped.

QU'APPELLE, LONG LAKE AND SASKATCHEWAN RAILROAD AND STEAMBOAT AGREEMENT BILL.

HON. MR. PERLEY moved the second reading of (Bill 36) "The Qu'Apelle, Long Lake and Saskatchewan Railroad

and Steamboat Company, and the Canadian Pacific Railway Company Agreement."

He said: The object of this Bill is to confirm an agreement entered into between the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company and the Canadian Pacific Railway Company. There has been an agreement for the running of the road after it is built by the former company, and while there is no doubt about that company having the power to make the agreement, there is some doubt about the Canadian Pacific Railway Company having the power, and this Bill is to confirm the agreement.

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

The Senate adjourned at 4:15 p.m.

THE SENATE.

Ottawa, Monday, March 10th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

KEEFER DIVORCE BILL.

SECOND READING.

HON. MR. DICKEY moved the adoption of the report of the Select Committee on Divorce on Bill (G) "An Act for the relief of Hugh Forbes Keefer." He said: It may be convenient to the House that I should, as chairman of the committee, tell exactly what the situation of this matter is, and what are the points that will arise for the consideration of the House. These parties married in the year 1871 and lived peacefully together until the year 1880. In the spring of that year the petitioner—the husband—removed, in the course of his business, to a portion of the United States, in order to get employment, and remained there five months, returning in the autumn of the same year. He remained until April of the following year, 1881, and then went off seeking employment, ultimately reaching British Columbia on the 1st January, 1882. While there he received information of the birth of a child, which he says, in the course of the evidence, he was quite satisfied he was not the father of, and I assume that this action was predicated on that supposition; because I find by the Bill that the complainant says: "In or about the year 1883 the said Rebecca Ann Keefer deserted her said husband, and has not since resided with the said Hugh Forbes Keefer; that after she deserted her said husband as aforesaid he discovered, as the fact was, that the said Rebecca Ann Keefer had been leading an irregular life, and had committed adultery in or about the year 1883, and on divers occasions subsequently to the said last mentioned year."

Acting upon that supposition the petitioner sent a sum of money to his wife to pay off debts, with the intimation that that was the last she was to see of him. Things went on in that way until ultimately, in the year 1883, there being no correspondence between the parties whatever—I may say there was no cohabitation between them—when the applicant learned that a divorce had been applied for by his wife, in the State of New York, from himself, on the ground of adultery committed by him. Papers were served on him, but he paid no attention to them, and took no action whatever, although he denies the fact that he was guilty of adultery. No proceedings on that application for divorce were brought before the committee, for the reason, as he says, that the papers he received were burnt in the great fire in Vancouver, and that is a satisfactory reason, perhaps, why he could not produce the papers. It will be seen, by referring to the report, that subsequently to his having ascertained in 1883 to his own satisfaction that his wife was living an irregular life, and particularly with a person whose name is mentioned in these proceedings—the man Simpson—he took no steps whatever until proceedings were taken in this case, and she appears on the scene afterwards as the wife of this person, how or under what circumstances there is no evidence before the committee; but all this is brought out in examination on the part of the promoter of the Bill. There was no opposition to the Bill. The consideration of this matter involves a series of complications, I am sorry to say, and as this is a majority report it is but right I should explain what these complications are. The position of the promoter is this: that she, having lived with another man, in the year 1883 and subsequently, there can be no question about the subsequent acts of adultery, whatever may be the impression as to the birth

of the child, which necessarily involved adultery with some person, according to his view of the case. The claim is, that although there might not have been any ground for divorce in the first instance, that with regard to the subsequent acts of adultery—that is to say, living as the wife of another man—it is clearly a case for relief. But it ignores altogether the preceding circumstances. These circumstances are the delay in taking action with reference to the matter in regard to the birth of this child, which he assumes to have involved an act of adultery. The delay has taken place since the 1st day of January, 1882, when he admits that he first formed the conclusion that that child was not his. I think he is under a mistake as regards that. At all events, that was his impression, and he acted upon that impression, and I assume that it is a mistake, because he fixed the date he left himself as April, 1881, and he got the information of the birth of the child by letters which came over the plains, and which necessarily took some time. I need not go into the matter further than to say that the child may have been, and probably was, within the proper limit. It is stated in the evidence —on what authority I do not know—that the child was born nine months and two weeks after the petitioner's separation from his wife. Under these circumstances, there is a doubt that the child is the child of the husband. Two years afterwards he heard that his wife was living an irregular life, and he then sent her $500; and there is some importance attached to this by the petitioner himself, from the fact that there was a mistake in the evidence when the question was asked him, was this before he heard of the birth of the child; he said yes. When he read over his evidence he desired to correct that answer, and the House will see by referring to the minutes that in the attestation of the minutes at the very bottom of his deposition he gave us his corrected answer, which was that it was not before, but after. After all these facts, he sleeps upon the matter and lets it go until the proceedings are taken in the court of New York. He does not defend the proceedings against himself, and we can only assume that the proceedings were taken and the divorce granted in consequence of the application being unopposed. The question narrows itself down to this: was this delay and the subsequent proceeding in any way a condonation, or, can it be construed into collusion or connivance between the parties? The rule as regards delay is laid down very clearly by authority. It is laid down in Dixon's "Law and Practice of Divorce," page 206, where it is stated:

"Unreasonable delay is another ground for the exercise of the discretion of the court. It is such as makes it appear that the petitioner is insensible to the loss of his wife, and it might also be be said to be equivalent to condonation. Again, it has been spoken of as meaning culpable delay, somewhat in the nature of connivance or acquiescence. What delay is unreasonable or capable of explanation is purely a question of fact, and will be decided solely upon the evidence."

Then it is laid down in MacQueen's Law of Husband and Wife that a delay of two years, after knowledge of all the facts, requires explanation. It is also laid down in the same work that a husband may still be guilty of desertion so as to connive at her committing adultery even though he supports the wife while absent from her. On the same page it says, where there has been no bargain or consent, absence may constitute desertion, even though an allowance has been made. The authorities are very strong upon that point, and the reason of it is stated here in larger form:

"A husband cannot neglect and throw aside his wife and afterwards, if she is unfaithful to him, obtain a divorce on the ground of her infidelity. If chastity be the duty of the wife, protection is no less the duty of the husband. The wife has a right to the comfort and support of her husband's society, the security of his house and name, and his protection, as far as circumstances permit. If he falls short of this he is not wholly blameless if she fall, and though not justifying her fall, he has so far compromised himself as to forfeit his claim for a divorce."

These are plain principles, upon which, I fancy, there will be no difference of opinion in this House. They are founded upon reason, because a husband may, by living away from his wife and keeping away from her, place her in the position that when she is neglected she cannot be made responsible if she does fall; and it is a protection to the bond of marriage between the parties in itself, that if a husband acts so, and waits for years and years, he need not afterwards come to this court for relief. The petitioner says that, in the year 1883, he wrote to his wife and informed her that if she did not come at once and live with him that that was the last she should ever see of him. So it seems to have been a somewhat mutual

bargain that they should live apart. Under these circumstances, it is for the House to decide what course should be taken. This is a majority report, and having acted as chairman of the committee, though unfortunately differing from the majority of the committee in the decision they arrived at, I may say, in justice to myself, that the general rule for condonation, apart from the circumstances themselves, is that there must not only be a condonation, but there must be cohabitation afterwards. That is the general rule. Apart from the special circumstances of this case, that would be the rule that would govern with regard to condonation, and that is the contention of the other side.

HON. MR. KAULBACH—In a matter of this kind, involving the severing of the most sacred of human ties, we should act with great care and deliberation. Our decision must stamp one or the other of the parties with the greatest infamy; and we must exercise all the more caution in this case in view of the fact that the application has not been opposed by the respondent. I shall not go over the grounds which have been stated by my hon. friend from Amherst, but I may say that I have never known a case where the evidence has been placed so imperfectly before the Senate—evidence which would have an important bearing on the case, and which the petitioner could have produced had he chosen to do so. The petitioner himself states that the last child was born some ten or eleven months after his departure from home.

HON. MR. MACDONALD (B.C.)—That was his suspicion.

HON. MR. KAULBACH—He says so positively, and he says that he came to the conclusion from the time he received the last letter from his wife that the child was not his, and upon that he condones or connives at it by sending her a large sum of money—$500. If he wished to produce reliable evidence on that point it was easy for him to have obtained from the register of births and deaths the date of the birth of the child, but he never got any information of that kind at all. He is therefore clearly guilty of neglect, which must enure to his own disadvantage in this case. Not only did he leave his wife in the manner that my hon. friend has described, but we have evidence here which cannot be very readily got over, that he, in 1883, was served with regular papers for a divorce, on the ground that he had been guilty of adultery with a woman whose name was given. That divorce suit was brought in the State of New York, which is the only state in the Union that grants divorces only on the ground that we recognize here. The petitioner in this case admits that he was served with these papers, that he never made any opposition, and in fact took no notice whatever of the proceedings. He said, in giving his evidence, that if she did not wish to live with him she could go. The evidence shows that the respondent in this case obtained a divorce from her husband in the State of New York on the ground alleged, and that she is now living with a man named Simpson as his wife. I ask you if there has not been a laxity, a carelessness and an indifference on his part which would justify us in refusing to grant him a divorce? It is a question in my mind now whether we should, by granting this Bill, declare that the divorce granted in the State of New York was improperly obtained—whether we would not be acting in defiance of a court of competent jurisdiction in a State where the grounds of divorce that are recognized are the same as in this country. If we grant this Bill, we declare that the respondent has been living in adultery since 1883. The petitioner could not have been a poor man, because after he believed that his wife had been unfaithful to him he sent her $500.

HON. MR. READ (Quinté)—The evidence is to the contrary.

HON. MR. KAULBACH.—I will read the evidence. At Page 4 his counsel asked the question: "You sent the $500 before you heard of the birth of this child?" The reply is: "Yes" Then, when he comes to have the evidence read over to him he says as to his answer to the first question on page 11, as to sending the $500, before hearing of the birth of the child, which answer he declares should be "No" instead of "Yes." There he corrects the evidence himself, and says that he sent this $500 to her after he believed she had been untrue to him. Therefore, we are justified in refusing this Bill, because this man has connived at his wife's conduct: he has, by

failing to defend the suit in the court of New York, admitted that his wife was justified in applying for a divorce. If he had been innocent, can we imagine that he would have allowed the case to go unopposed? Would he not have used every means in his power to protest his innocence and relieve his wife from the illusion that he was unfaithful to her? He does nothing of the kind; he remains away from her, and allows her to get a divorce on the ground of his adultery with another woman, and the judgment in that case is binding on us. Since 1883 he has taken no action in this matter until he comes forward at this late hour and asks this House to dissolve his marriage and to stamp the respondent with infamy and disgrace.

HON. MR. MCKAY—She has married again.

HON. MR. KAULBACH—You say, if you adopt this report, that she is not married to the man with whom she is now living, and with whom she has been living since 1883. The divorce was obtained from a court of competent jurisdiction for a cause which we would consider sufficient here, and he having by his negligence allowed his wife to get a divorce on that ground, it would be unwise for us to sever the tie that exists between the parties.

HON. MR. MACDONALD (B. C.)—We have no evidence before us of what was done in the divorce court in the United States when the wife of the petitioner obtained a divorce. We have evidence to show that this petitioner could not defend that action. He was a poor man at the time, living three thousand miles away, and after he was first told that his wife had been guilty of indiscretions he wrote to her asking her to come to him. She replied that she was married when she was very young, and did not know her own mind, and that she had no more affection for him. He was not satisfied to let it stop even there. Her father was with him at Vancouver, and this petitioner gave him money to return to Ontario, and see why his wife would not come to him. What more could the man have done? After the father left for Ontario he heard no more of him or from his wife. After spending all this money, he had not the means to go to New York and defend the divorce case. The only ground for opposing this Bill is that the petitioner had a suspicion in his mind that the child that was born after his departure from Ontario was not his, but that suspicion was not confirmed at the time he forwarded the money, and could not be construed into a condonation of the offence. Condonation must be a forgiveness, a restoring of the wife to where she was before in his affections: but there was nothing of that kind. There was a mere suspicion, and the money was sent before her guilt was established. As the question of condonation has been raised, I will read from Dixon on Divorce what condonation is:

"Condonation, as applied to matrimonial causes, had its origin in the Ecclesiastical courts, and it is obivious, on an examination of the cases subsequent to the Divorce Act, that it still bears its original signification. The whole doctrine is a structure of the courts, founded on the necessities of the case. It means a blotting out of the offence, so as to restore the offending party to the position which he or she occupied before the offence was committed. It is a conditional forgiveness on a full knowledge of all antecedent guilt, the condition being that the offence shall not be repeated. In order to found it, there must be a complete knowledge of all the adulterous connection, and a condonation subsequent to it. In other words, it is 'forgiveness of a conjugal offence, with a full knowledge of all the circumstances,' *i. e.*, those relating to the guilt of the erring party.

"It must be marked by a return to matrimonial cohabitation. It is, of course, in the power of the party to annex a condition precedent to an offer of condonation. If this condition is not complied with there is no condonation of the offence, and it cannot afterwards be pleaded in a suit in which the offence is charged."

But even if he had condoned her first offence, he did not condone her second offence of getting married.

HON. MR. MCMILLAN—What was the first offence? Was it that child?

HON. MR. READ—Yes.

HON. MR. MACDONALD (B.C)—Supposing he had condoned the first offence, he did not forgive her for her marriage with another man, with whom she is now living in this Province.

HON. MR. MCMILLAN—Did the petitioner establish that the child was really not his?

HON. MR. MACDONALD (B. C.)—He did not establish it.

HON. MR. MCMILLAN—He certainly did not in the evidence. We know the period for which a woman should carry a child is two hundred and eighty days, and as I

figure it here, it is only five days beyond the time.

HON. MR. MACDONALD (B. C.)—I never was there—I cannot tell. I think the House will have no hesitation in coming to the conclusion that this man was entitled to a divorce. There has been no condonation.

HON. MR. LOUGHEED—It appears to me that there is a probability of some of the hon. gentlemen arriving at a conclusion from what I take to be a misapprehension of the doctrine of condonation. The law appears to be perfectly clear on that point, and there appears to be a tendency to ignore what really constitutes condonation. The hon. gentleman from Victoria has just cited Dixon on Divorce. It may be considered pardonable on my part should I again refer to that work, with the object of making a few comments upon the discussion of that doctrine as laid down in Dixon. He says: "Condonation as applied to matrimonial causes had its origin in the ecclesiastical courts, and it is obvious, on examination of the cases subsequent to the Divorce Act, that it still bears its original signification. The whole doctrine is a structure of the courts, founded on the necessities of the case. It means a blotting out of the offence, so as to restore the offending party to the position which he or she occupied before the offence was committed."

In connection with this, let me remark that there was a suspicion. The petitioner stated that a suspicion entered his mind at the time he received this letter that possibly the child might not be his. It is quite evident from the subsequent evidence, and I think the minds of the committee were made perfectly clear on that point, that the child was his, and the subsequent evidence established that fact. There is nothing proven to the contrary, I submit. Now, he might have had a very vague suspicion at the time he received this letter that the child was not his, but it did not resolve itself into such a fact as would satisfy a court of law that the child was any other than the petitioner's; so that at the utmost, if we take this point as against the petitioner, it must resolve itself into a suspicion as distinguished from a fact. Now, it could not be said that when he entertained that suspicion that it blotted out the facts that constitute this case, and which make it a very clear case, to my mind, that this honorable House should grant relief to the petitioner, because the facts upon which he relied to establish his case were facts which occurred subsequent to the reception of that letter. There could not be a blotting out or condonation of the conduct of his wife, for the simple reason that the wife had the audacity to marry another man before she was absolved from her marriage with the petitioner, and is to-day living in Canada married to a man named Simpson. It cannot be contended by the hon. gentlemen opposing this Bill that there should be a condonation of that particular act, or that there ever was such a condonation. The evidence is clear on that point, that if there ever was a condonation of a first offence it was a condonation based on a suspicion that entered into his own mind; and I think it was to his credit if he gave his wife the benefit of the doubt. It would be a dangerous doctrine to lay down, that because a man has a suspicion in his mind he must at once cast his wife away from his door, lest it should turn out on evidence that that suspicion was true, and resolve itself, perchance, into a fact, that would, at some long subsequent date, preclude him getting the relief to which he would be entitled. Such a doctrine would require a man who entertained a suspicion of his wife's infidelity to spurn her from his door. That is the doctrine we are asked to accept here, as submitted by the hon. gentlemen from Lunenburg and Amherst. I contend that there was no evidence whatever as to the divorce in the United States. It must be quite clear to hon. gentlemen on that committee that they refused to accept any evidence of that divorce, and quite properly so. Whatever evidence was submitted, there was merely a bald statement of facts, and the chairman of the committee absolutely refused to allow evidence to be put in as to that divorce, other than a mere statement of fact that a divorce was obtained by her, and which, I say, is a fact that should at once establish the case against her, and would justify us in granting relief to the petitioner. But now let me proceed with the authority which I was reading: "It means a blotting out of the offence, so as to restore the offending party to the position which he or she occupied before the offence was committed."

The offence was committed long subsequent to that first suspicion, and the suspicion was not the ground on which relief is sougnt. The facts on which the petitioner comes to this House for relief are facts which occurred long subsequent to that first suspicion. Dixon continues: "It is an additional forgiveness on a full knowledge of all antecedent guilt—." Now, there is no evidence, as hon. gentlemen will see from a perusal of the report, that the petitioner had any knowledge whatever of antecedent guilt on his wife's part—"the condition being that the offence shall not be repeated. In order to found it there must be a complete knowledge of all the adulterous connection and a condonation subsequent to it."

Now, I do not think there is an hon. gentleman in this House who will for one moment say that this case is one in which the doctrine of condonation can be made applicable; for here we find it laid down and particularly emphasized in this book, which I take to be the standard work on the question, that there must be complete knowledge of all the adulterous acts and a subsequent forgiveness of them. It is a condonation of the conjugal offence with a full knowlege of all the circumstances. Now, what are the facts? If ever there was a case of an audacious contravention or violation of law it is in this particular case on the part of the petitioner's wife, in the fact of her being married to this Mr. Simpson without having obtained a divorce in this country, and that she is living at the present time with this Mr. Simpson as her husband,—her husband, the petitioner, being still a resident of this country and not divorced from her——

HON. MR. KAULBACH—Having obtained a divorce.

HON. MR. LOUGHEED—The hon. gentleman from Lunenburg appears to lay considerable stress on the fact that there was a divorce in the United States. As I understand, this House does not recognize that divorce one way or the other. So far as this House is concerned, the decree of divorce obtained in the United States is in this chamber so much waste paper, and the committee very properly refused to consider the evidence of that divorce.

HON. MR. KAULBACH—No evidence was tendered.

HON. MR. LOUGHEED.—I am quite correct in saying that the evidence was excluded by the chairman of the committee as to this particular divorce. Now, as to the ground of delay, very great stress has been laid on that by the hon. gentleman from Lunenburg, but there was a very clear and distinct explanation of this delay. We find that this petitioner was insolvent in 1880, and to such an extent had he failed that he had to leave his home in 1881 and go out on the Northern Pacific and work, as I take it, as a railway navvy. In 1882 and 1883 we find him drifting to British Columbia and there working on the railway.

HON. MR. KAULBACH—As a contractor.

HON. MR. LOUGHEED—There was no evidence before the committee that he had any means by which he could prosecute a case for obtaining relief. On the contrary, he states very emphatically that he was not in a position to furnish the necessary means to obtain this legislation. Those of us who are acquainted with the circumstances of such a man know perfectly well that when he was living at a distance nearly 3,000 miles from Ottawa he was not in a position to provide the necessary means, under the circumstances related by him as to his occupation, for the purpose of prosecuting his case. He states most emphatically, in evidence, that he was not in a position to do so. I take that to be a most satisfactory explanation as to the delay. Now, let me cite to hon. gentlemen from the same authority that I have already been quoting from:

"Unreasonable delay is another ground for the exercise of the discretion of the court. It is such as makes it appear that the petitioner is insensible to the loss of his wife, and it might almost be said to be equivalent to condonation. Again, it has been spoken of as meaning culpable delay, somewhat in the nature of connivance or acquiescence."

Can it be said there is one scintilla of evidence as to this man's conniving at the marriage of his wife at the time he left? There was not a shadow of doubt that his wife had any improper dealings with Simpson. This authority continues:

"A husband whose pecuniary circumstances were embarrassed postponed proceeding until he could bring forward conclusive evidence of his wife's guilt. Delay held reasonable.

"Lack of means to proceed earlier, though a long time has elapsed since the commission of the acts complained of, will be a satisfactory explanation of the delay."

I think that this case comes within the particular illustration I have cited; and again:

"A desire to avoid public exposure of the scandal at a mother's wish, and a forbearance of twenty years, though an unreasonable delay, have not been considered sufficient grounds for barring a decree.

"An impression that by the elopement of his wife to America and residence there a divorce would be unnecessary, and mental prostration due to his wife's misconduct, has been held a sufficient explanation of the petitioner's delay. Hence the explanation of the delay may be various, and it is manifest that their force or weakness depends entirely upon the facts of the case."

I assert that there could not be a condonation in this particular case on the point of delay, for the simple reason that the wife had married another man, and there could have been no hope in the petitioner's mind that by condonation he could have effected a reconciliation with his wife, because she was married to another, and living with him as her husband. The hon. gentleman from Lunenburg has referred in the most pathetic terms to the dissolution of the marriage tie, and to its sacred character. From the evidence here it is quite apparent that the sympathy should be with the petitioner in this case, for the wife entirely ignores the marriage tie, and violates the solemn contract of matrimony, and marries another, and lives with him as her husband. Therefore, I think it would not be justifiable in this case to refuse the extension of sympathy to this petitioner, if such is proper in the consideration of such a case. He ought to have sympathy, so far as sentiment can be introduced into a case of this kind, and on these grounds I am of opinion that we are perfectly justified in supporting this Bill.

Hon. Mr. READ (Quinté)—It seems that the only objections to this Bill are that in one instance there has been a condonation of the wife's offence and that there has been delay in making this application. The hon. gentlemen who oppose this Bill do not altogether agree on these points. So far as condonation is concerned, I cannot see how this petitioner has condoned his wife's guilt, and I fail to see how he can be condemned for having delayed his application. He is a poor man, who failed in business and went quarrying stone for the Welland Canal. He afterwards went away for two years, and finally went to work on the Canadian Pacific Railway. During all this time, it is shown by the evidence, he repeatedly sent home money to his wife for her support and for the support of the family. After getting a letter from a friend stating that she was not behaving herself properly in her relations with Simpson, he immediately telegraphed $500 to bring her and the children to him. Connivance would be a bar to divorce, but it is quite evident that this man did not connive at his wife's offence. If she was in the way of temptation he did all in his power to remove her from the temptation. Consequently, there is nothing to be said on the subject of condonation. Then, as to the delay, we have this very Session granted a divorce for an offence committed sixteen years ago, and there was not a word said about the delay of the petitioner in making application to this House for relief—the same committee, the same chairman—and sixteen years after the event the action was carried through. This man, in the year 1883, heard that his wife was applying for a divorce. That was late in the fall of that year. Six years have elapsed since. He was 3,000 miles away, and had to earn the money to enter this suit, and certainly he should not be barred from getting a divorce when he made enough money to apply to this court, which is no trifling matter. He prosecuted his claim, to my mind, at as early a date as it was possible to do, and it should be no bar to him that there was delay. I am quite prepared to support the report of the committee, and I hope the House will do the same.

Hon. Mr. CLEMOW—I think the principal cause of the difficulty in this matter is the charge of condonation. As I understood the evidence, when he remitted the money to his wife he had no knowledge that she was acting improperly. It was long subsequent to this that he received a letter from some of his friends in this country that his wife was unfaithful, and it was then he opened his eyes to the fact that she was not a suitable companion for him, and he telegraphed her that from that time out he would have nothing more to do with her. At the time he sent the $500 to his wife he had no knowledge that she was acting improperly, and to my mind it would not amount to condonation in this case. He has been employed in different parts of the country, had been

burnt out and lost all his papers, and had a great many difficulties to contend with. I do not think it should be a bar to getting relief in this action that there was delay. He seemed to have a great desire to support his wife, until he heard from his sister that she was acting in an improper manner. It was brought out in evidence that he had only heard incidentally that she had applied for a divorce.

HON. MR. KAULBACH—Not incidentally. There was a legal process served upon him, charging him with adultery.

HON. MR. CLEMOW—He admits that. But about that time the great fire in Vancouver took place, and all his papers were burned, and I do not know that he was aware of the contents of those papers.

HON. MR. KAULBACH—He swears that he did know—that he had read them.

HON. MR. CLEMOW—Possibly he had, but paid very little attention to them, as he had found out at that time that she had acted improperly.

HON. MR. McMILLAN—He admitted the charge.

HON. MR. MACDONALD (B. C.)—No; he denied the charge against himself.

HON. MR. CLEMOW—I do not think he admitted any specific knowledge of the contents of those papers, and as far as I understand from what he said upon that occasion, he simply admitted there were papers served on him.

HON. MR. KAULBACH—He admitted that the papers were served upon him, and that a divorce suit was to be prosecuted in New York. He also admitted that the papers served upon him charged him with adultery with a certain woman, and that he knew she had got a divorce; but he denied before us in committee that he was guilty himself of adultery.

HON. MR. CLEMOW—That denial ought to go as far in his favor as the knowledge of the service of those papers should go against him. We know, from the evidence, that the woman committed adultery, and the petitioner should get relief.

HON. MR. McCLELAN—As a member of the committee to whom this matter was referred, I endeavored to give close attention to the case, and I was unable to come to any other conclusion than that to which the majority of the committee came —that the Bill should be granted. Although there was some little objection taken to some points, it did not occur to me that it was sufficiently strong to justify the committee in refusing to grant the Bill. As to the charge of condonation, it appeared to me that the husband, situated as he was, so many thousand miles away, and hearing rumors of scandal from something that was written to him, it was eminently proper for the husband to do under the circumstances what he did do, with a view to rescuing his wife from the dangers which appeared to beset her, and if possible put her in a position where she would be beyond suspicion; and I do not think the steps he took on that occasion would amount to condonation of her offence. It was not that he was cognizant of certain facts, but that his suspicions merely were aroused, and although he had his suspicions he was quite willing to supply all the spare money he had in order that his wife might be removed to where he was, and they might live happily together. Subsequently, as he told us, his means became more limited, and he was not able to defend the case brought against him in New York, but he was afterwards enabled to spare means to prosecute the divorce, which subsequent events proved to him was necessary. Consequently, this should not be brought against him as any objection against the passing of this Bill. It has been stated by the hon. gentleman from Lunenburg that the divorce obtained by the wife in the United States was not recognized by the committee in any way, because it has become pretty well established, in this Chamber at any rate, that divorces obtained in the different states of the Union are not such divorces as can be recognized as legal and proper here, so that the evidence of that proceeding was not developed before the committee to any extent. The mere fact was brought out, and nothing more. Not only did we fail to secure any evidence to support the view that the husband had committed adultery, as was alleged, but we had his own evidence completely contradicting the charge, and we have other evidence inferentially to the same effect. I call the attention of hon. members to the evidence given by J. P. Tisdale, who is a brother of

this woman, and who gave testimony as to her living with Simpson. The question put by the hon. gentleman from Victoria was: "Did your sister give you any reason for getting a divorce?" The answer was: "I had no communication with her at all."

"Q. She never told you why she got a divorce?
"A. No; she gave me the divorce papers. I had no communication with her.
"Q. She gave you no ground for seeking a divorce?
"A. I never spoke to her on the subject at all. We were living some distance from each other."

That would indicate that if there had been any serious matter for divorce proven against her husband it would have been, under the circumstances of the case, communicated to her brother. But it was not so communicated, and therefore I say we have not only the direct statement made by him that the charge was false, but we have also the conclusion which we can inferentially draw from the testimony given by the brother of this woman, that the charge was unfounded, that adultery was not the reason why she got what she called a divorce in the State of New York. So, looking at all the points developed in this case, I may say that, so far as my humble judgment goes, it is as clear a case as any that has ever come before us in which relief should be granted.

HON. MR. DICKEY—I do not propose to argue the matter in any way, but I think it would be well for the House to look at the evidence, rather than to the arguments which are advanced, and which I deem to be rather contradictory. In answer to the question as to the birth of this child, a question put by the petitioner's own counsel, as follows: "Since you left your wife the last time (that was in the spring of 1881) had you any intimation of other children being born?" He says:

"A. Yes; there was another child born after I left her.
"Q. How long after you left?
"A. Ten or eleven months after my leaving home.
"Q. Have you ever disclaimed the paternity of that child?
"A. Yes.
"Q. For what reason?
"A. Well, on account of the child being born the time it was. I knew that unless it was something out of the ordinary, that I was not the father of the child."

Then one of the members of the committee seems not to have been satisfied with the answer to that question, and the question is put by Mr. Ogilvie:

"Q. You cannot fix the month. How can you tell that the child was born ten months after you left?
"A. Because when I got news of the birth of the child I knew the dates then. You see my letters that I had were all burned at the fire in Vancouver, and I was away, too, at the time."

That is his answer. Now, as to the other point, the evidence has not been adverted to. It is an answer to a question put by myself, and will be found on page 2 of the evidence. After he had stated that he had sent $250 to pay outstanding accounts, he was asked:

"Q. That was in the summer of 1882, was it?
"A. 1883, I think. Then a little while afterwards I got an intimation from a friend at Thorold that my wife was not behaving herself in a very proper manner with a Mr. Simpson there, and I telegraphed her $500 through the bank, and told her to take the children and come out at once, and if she did not, that that was the last she would see of me."

That is the evidence, and it will be for the House to decide upon the evidence.

HON. MR. OGILVIE—I think that the last remark from the hon. gentleman from Amherst is the best proof that we could have that the petitioner did not condone any offence, but was trying to save his wife if he could do so. It was not only his wife that was being supported by this money that he sent: the children had to be supported as well, and that was one of the reasons. Then the hon. gentleman from Lunenburg seems to have directed the principal part of his remarks to that divorce from New York, and he gave great weight to that incident. Hon. gentlemen who were sitting in this House three or four years ago would have thought the hon. gentleman from Lunenburg had got enough of New York divorce at that time, when we had a week's fight over it, and it was then the opinion of this House and the vote of this House that we should pay no attention to foreign divorce at all.

HON. MR. KAULBACH—No.

HON. MR. OGILVIE—I beg the hon. gentlemen's pardon; I say, yes, it was. When the different States of the Union will not recognize divorce among themselves, I should like to know why we should recognize their divorces in this country? That was the understanding come to then, and hon. gentlemen should remember that divorce in the State of New York has no recognition here; and as truly remarked by my hon. friend opposite, we pay no attention to it. The gentlemen who did sign this report were unanimous, and some of them spoke out very clearly, and

said that they never saw a clearer case for divorce—that this petitioner did more than most men would have done under the circumstances. He is a poor man, working on sub-contracts out in British Columbia. It was not very easy then to go round by San Francisco and up here to Ottawa to get a divorce if he had not the money. He did the best he could as soon as he got the means. Every member of the committee but two thought it was a perfectly clear case, and I hope that this House will consider it a clear case also.

The motion was agreed to, and the report was adopted, on a division.

HON. MR. CLEMOW moved the third reading of the Bill.

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

DECEASED WIFE'S SISTER AMENDMENT BILL.

SECOND READING.

HON. MR. ALMON moved the second reading of Bill (U) "An Act to amend an Act concerning Marriage with a Deceased Wife's Sister." He said: In moving the second reading of the Bill I should apologise to this House for introducing a measure of this kind, that I did not leave it in the hands of the lawyers. But lawyers, although very necessary in framing Bills, sometimes muddle them, and make them less clear than they should be. I think this Bill is so clear that it speaks for it self. I will read it:

"Whereas, by An Act passed in the forty-fifth year of Her Majesty's reign, chapter forty-two, intituled: 'An Act concerning Marriage with a Deceased Wife's Sister,' all laws prohibiting a marriage between a man and his deceased wife's sister were repealed; and whereas it is desirable likewise to remove all prohibition against marriage between a man and his deceased wife's sister's daughter: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"1. All laws prohibiting marriage between a man and the daughter of his deceased wife's sister are hereby repealed, both as to past and future marriages, and as regards past marriages, as if such laws had never existed.

"2. This Act shall not affect, in any manner, any case decided by or pending before any court of justice; nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act, nor shall this Act affect any such marriage when either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person."

It appeared to me to follow, as a matter of course, when we passed the Deceased Wife's Sister Bill, which enabled a man to marry his deceased wife's sister, that he could marry the daughter of his deceased wife's sister; but I found on enquiry of legal authorities that this is not the case—that in order to make it lawful to marry a deceased wife's sister's daughter another Act would have to be passed. Why this provision was not incorporated in the former Act I do not know, but I suppose it was because people's passions were so aroused in the controversy that they overlooked this important fact. Now that we can look at it calmly and dispassionately, this Bill being introduced by a layman instead of a lawyer, we will take a common sense view of the matter and decide it according to the facts of the case. As the law at present stands, a man feeling that he can legally marry his deceased wife's sister thinks he is equally free to marry his deceased wife's sister's daughter, and the daughter knowing that he could marry her mother thinks the same. They marry, and what is the result? A short time after the woman finds that instead of being a wife she is a mistress and that her children are illegitimate. Some hon. gentlemen may say that this may be got over by such people going over to the United States, and getting married there. That is a marriage in the eye of God, but it is certainly not a marriage in the eye of the law. The wife may at any moment have it cast up to her that she is not a legal wife, and her children may be told by their schoolfellows, at any time, that they are bastards. I think it is our duty to remove this anomoly in the law, and I trust this matter will be considered calmly and quietly, without letting any other feelings interfere with the justice of the case.

HON. MR. KAULBACH—I may say I quite agree with my hon. friend as regards the law as it at present exists, and I infer from what he says that this is a relief Bill for people who have entered imprudently into the marriage contract. The hon. gentleman is wrong in saying that this matter was not considered when the Deceased Wife's Sister Bill was before the House. I opposed that Bill, and I brought this very question up as being the natural consequence of it—that poople would next want to marry their own nieces. This is the legitimate outcome of the adoption of

what I consider to be a vicious principle, a result of departing from long-established usage in relation to the marriage tie. It is another step showing the vicious principle of the measure we adopted a few years ago. It destroys all the friendly relationships between the family of the wife and the family of the husband. The House having passed a law to permit a man to marry his own sister-in-law, I have no doubt that they will also come to the conclusion that, as a natural consequence of that step, they must legalize marriage with a deceased wife's niece. I am opposed to it on principle, but I presume my hon. friend will get his Bill through.

HON. MR. POWER—I hope my hon. colleague will not be irritated with me when I take the liberty of saying that I cordially agree with his view in regard to this Bill, and that he will not think I prejudice the chances of his measure by making this statement. I voted with the hon. gentleman from Lunenburg when the Bill to legalize marriage with a deceased wife's sister was before the House, but I think my hon. colleague from Halifax is quite right in saying that to be just and logical we should go a little further than we did then, and that we should legislate in the direction of this Bill. I rose, however, chiefly for the purpose of suggesting to my hon. colleague that his Bill does not go quite far enough. I think, instead of saying the daughter of a deceased wife's sister, the Bill should say the niece of the deceased wife, because why should not a man be allowed to marry the daughter of his deceased wife's brother as well as the daughter of the deceased wife's sister?

HON. MR. ALMON—I will be very happy to have the hon. gentleman's support in this matter, but the reason I did not adopt the suggestion made by the hon. gentleman was this: the Bill we passed in relation to a deceased wife's sister did not permit a woman to marry the brother of her deceased husband, and that was my reason for leaving the children of the deceased wife's brother out of the question.

HON. MR. MILLER—I do not desire to prolong the discussion on this question, and do not consider it necessary, as I take it for granted that this Bill is the logical outcome of the Act passed some years ago to legalize a man's marriage with his deceased wife's sister. I do not think there could be any objection to marriage with the daughter of the deceased wife's sister, who is one degree further removed from the deceased wife than the sister; therefore, whatever objection there might be, there can be none with regard to consanguinity. There could be only an objection on the ground of affinity, being within the prohibited degrees. I do not intend to argue the case, as my hon. friend from Halifax has stated pretty much what I feel on this question. I think it is an absurdity that our law should stand as it is—that a man should be permitted to marry the sister of his deceased wife and not the daughter.

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

THE PATENT ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (17) "An Act to amend 'The Patent Act.'" He said: The principle of this Bill is to take from the Minister the decision of legal questions arising upon patents, and conferring the power of making those decisions upon the courts. At present, if a dispute arises as to the validity of a patent or as to the validity of its continuance, it is the Minister who has to hear and decide the question. It is thought that that is more a subject for consideration by the court, and it is proposed to give it to the court, as we did the other day with respect to trade marks. The second object of the Bill is merely to correct some verbal omissions and alterations in the existing law.

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

DOMINION ELECTIONS ACT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (7) "An Act further to amend 'The Dominion Elections Act,'" Chapter eight of the Revised Statutes of Canada.

HON. MR. CLEMOW from the committee, reported the Bill without amendment.

The report was received and adopted.

HON. MR. ABBOTT—I am sorry that the hon. gentleman from New Westminster is not in his place. He asked me a question about this Bill when it came up for second reading, as to the time allowed for notification in British Columbia. I propose to inform him that the provision of the Election Act granted for British Columbia the most extended time—the same time which is allowed for two or three other constituencies in the remainder of the Dominion, which cannot get their notices out in the usual time between nomination and election. I move the third reading of the Bill.

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

ESCAPES FROM INDUSTRIAL SCHOOLS IN ONTARIO.

SECOND READING POSTPONED.

The Order of the Day having been called—Second reading Bill (S) "An Act respecting Escapes from Industrial Schools in the Province of Ontario."

HON. MR. ABBOTT moved that the Order of the Day be discharged, as the Bill was not printed.

HON. MR. DICKEY—I should like to ask the leader of the House if his attention has been directed to the fact that in the Dominion there are other industrial schools besides those in Ontario, and if there is to be a general Act, which will apply to all the industrial schools in the Provinces.

HON. MR. ABBOTT—I may state that that question has already arisen, and is being considered, and there are one or two others of importance, and it is the consideration of these questions that has prevented the Bill from being now in shape to be proceeded with in the House before Thursday next.

The Order of the Day was discharged.

SECOND READINGS.

The following Bills were read the second time without debate:—

Bill (71) "An Act to incorporate the Brandon and South Western Railway Company." (Mr. Boulton.)

Bill (69) "An Act respecting the St. Catharines and Niagara Central Railway Company." (Mr. McCallum.)

Bill (64) "An Act to incorporate the Moncton and Prince Edward Island Railway and Ferry Company." (Mr. Poirier.)

INTERPROVINCIAL BRIDGE COMPANY BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (54) "An Act to incorporate the Interprovincial Bridge Company." He said: This is a Bill to authorize the construction of a bridge to connect the cities of Ottawa and Hull. It will be for railways as well as for general passenger traffic. I may say that a new principle is incorporated in this Bill, inasmuch as it gives power to all railways, both present and future, to use this bridge on equal terms; and, therefore, it will be no monopoly, and will obviate the necessity of building several other bridges across the Ottawa River.

HON. MR. POWER—I am very glad to hear from the promoter of this Bill that the company have adopted a new principle, and that they propose to allow all railway companies to use their bridge on equal terms; but I think that there are one or two considerations which arise in connection with this Bill that deserve a little attention before it is read the second time, and the House is thereby committed to its principle. Hon. gentlemen will remember that legislation was passed by the State of New York, and also by the Province of Ontario, some years ago, to prevent the utilization of the Niagara Falls for the purpose of commerce or manufacture, and I think that this Bill brings up a similar question to the proposal to utilize the Niagara Falls for manufacturing purposes. By the third clause of this Bill it proposes that:

"3. The company may erect, construct, work, maintain, manage and use a railway bridge, with the necessary approaches, over the Ottawa River, from some point in the city of Ottawa between Metcalfe square and the ferry landing at the foot of St. Patrick street, or from some point on the Rideau Canal, within the limits of the city of Ottawa, to some point in the city of Hull."

I think it would be a piece of vandalism to build a railway bridge from the foot of the canal here to the city of Hull. In

addition to its being an exceedingly objectionable thing to have the trains running so close to the Parliament buildings, between here and Major Hill, or between the Parliament buildings and Nepean Point, it would disfigure the landscape just at the seat of Government, and this is a feature that we should think over before deciding what we shall do. There is now a good railway bridge from the Hull side of the river to Ottawa, and if another bridge is necessary it might be constructed a little further down the river, so that it would not come right in between those buildings and the grounds on the other side of the canal, which are almost adjuncts to the Parliament grounds. While I do not propose to oppose the Bill, I give notice that when it comes before the committee that I shall move that it be so amended as to provide that no bridge shall be erected within the Government grounds here. If the commercial interests of Ottawa require another bridge it should be constructed a little further down the river, where it will do just as much good to the promoters as at the mouth of the canal, and where it will not disfigure the landscape or interfere with the Parliament buildings.

HON. MR. KAULBACH—It seems to me that the people of the city of Ottawa have considered this matter themselves, and should know where the best place to locate the bridge is to be had.

HON. MR. POWER—It is not a matter in which the citizens of Ottawa are alone interested.

HON. MR. KAULBACH—I think the roadway being so much lower than the Parliament grounds and buildings, that they will never suffer any inconvenience from the railway or bridge.

HON. MR. CLEMOW—The proposed location for the bridge is at Nepean Point, below the canal. It is the most convenient point at which to accommodate railways on the other side of the river, and there is a clause in the Bill which provides that before we can enter upon the public property we require to have the consent of the Government, and I fancy the interests of the people will be protected. As it is the only eligible site on which a bridge can be constructed, I don't see how it should not be adopted. Some years ago the idea was to build a bridge at Rockliffe, but it was found that the expense of the approaches and the difficulties were so great that it was abandoned. I think I can satisfy hon. gentlemen that this bridge will not interfere with the beauty of the scenery or the convenience of the Parliament grounds or buildings.

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

BILLS INTRODUCED.

Bill (80) "An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company." (Mr. McKindsey.)

Bill (61) "An Act to amend the Act incorporating the Lake Manitoba and Canal Company." (Mr. Lougheed.)

Bill (16) "An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May." (Mr. McKindsey.)

Bill (84) "An Act to amend the Act to incorporate the Victoria and Sault Ste. Marie Junction Railway Company." (Mr. McKindsey.)

The Senate adjourned at 5:05 p.m.

THE SENATE.

Ottawa, Tuesday, March 11th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

DISCLOSURE OF OFFICIAL DOCUMENTS BILL.

SECOND READING.

The House resolved itself into a Committee of the Whole on Bill (T) "An Act to prevent the Disclosure of Official Documents and Information."

(In the Committee.)

On the 1st clause—

HON. MR. POWER said: As this is a new Bill, and one of considerable importance, and as, no doubt, most of the members of the House are not familiar with it, each clause should be explained by the hon. gentleman who has charge of the measure.

HON. MR. ABBOTT—The fact is, the explanation is really in the clause itself. The principle of the Bill is simply to make a punishable offence of the disclosure of official information of which an employé of the Government comes into possession by virtue of his office. That is the whole object of the Bill. There is considerable verbiage in the Bill, necessarily, to cover every transaction. It is as nearly as possible a copy of the English Bill lately passed on this subject, which received a great deal of attention and was very carefully prepared. On reading this Bill it seems to me to bear on the face of it proof of the greatest attention to make it apply to every branch or every species of offence against the principle of secrecy which every person in a position of trust should observe. I do not know that I can explain anything further than that. The first clause defines what constitutes the offence. That clause really appears to extend to persons who are intruding themselves into places where they have no right to be, and thereby obtaining such information.

HON. MR. POWER—It appears to me that while the general purpose of the Bill may be a good one, it still requires a little more light on the subject. The first paragraph says: "Every person who, for the purpose of wrongfully obtaining information." The question is, what does "wrongfully" mean here? That is a question which suggests itself to me at once. The term "wrongfully" is not defined anywhere, but I presume it must mean a person does a thing wrongfully if he does it in contravention of any provision of the Bill. The word "wrongfully" is not defined. Take the fourth paragraph of that first section, and the effect will be this: "Whoever, when outside any fortress, arsenal, factory, dock-yard or camp in Canada belonging to Her Majesty, takes or attempts to take, without authority given by or on behalf of Her Majesty, any sketch or plan of that fortress, arsenal, factory, dock-yard or camp," such an offender is guilty of a misdemeanor. Now in the city from which I come there are a number of Imperial fortifications, and under this provision of the Bill an artist who sat down to sketch the martello tower down at Mount Pleasant Park or sketch Fort Ogilvie, or Fort Cambridge, or who sketched the citadel from the outside, would be guilty of a misdemeanor.

HON. MR. MILLER—If he did it wrongfully.

HON. MR. POWER—Apparently, he does it wrongfully unless he previously got permission. Now, nearly every summer American artists come to Halifax, and they sketch the different parts of the peninsula upon which the city stands, including the fortifications, and our own native artists do the same thing, these people having no intention of making any improper use of those sketches. But under this fourth paragraph every one of these men would be guilty of a misdemeanor and liable to the penalties inflicted by this Bill. I think hon. gentlemen will see that the language of this particular paragraph at any rate would need to be a little more guarded than it is.

HON. MR. ABBOTT—My hon. friend will perceive that these American artists who come to take sketches of the fortifications at Halifax may or may not do so with an evil intent, but in taking these sketches they do what they are not permitted to do in sketching their own fortresses. Recently I visited an American fortress, and I found on the front doors of that fortress an extract from a law notifying the public that they must not take a sketch of it or photograph it, or sketch or photograph any part of it, and that anyone doing so is liable to be prosecuted criminally. That would be the case with these American artists if they undertook to sketch a fort in their own country. It is a very simple matter, if an artist wishes to take a sketch of a public building or fortification, to get permission. It is perfectly obvious that while the artist, in taking a sketch, might be perfectly innocent of any evil intent, he might be doing something as injurious to the welfare of the country as anyone could imagine anything to be. These sketches might be taken for the express purpose of placing them in the hands of a hostile Government as ameans of gaining access to our ortifications.

HON. MR. MILLER—I think there is complete protection afforded for the class of people that the hon. gentleman refers to by the use of the word "wrongfully." The onus of proof would be on the prosecutor.

HON. MR. DEVER—Who would be the judge?

HON. MR. MILLER—The person before whom the case would be tried; but the onus of proof under this Bill would be with the prosecutor. He would have to show that the sketch was taken wrongfully. Under the law of the United States, as mentioned by the leader of the House, there is no protection at all afforded to any person such as is provided by this Bill, and therefore there can be no reasonable objection to the clause. I think that such a law as this is highly necessary. It is only surprising to me that we did not place such a law on the Statute-book long ago.

HON. MR. ABBOTT—There is such a law on the Statute-book of every country in Europe.

HON. MR. REESOR—The same law exists in every country in Europe. Only the other day I was conversing with an artist who had recently been in France, and he told me that when he made an attempt to sketch the fortifications in a town he was not allowed to do so without permission from a certain officer appointed for the purpose. I think we should make a similar provision in our own laws.

HON. MR. OGILVIE—I can confirm what our hon. leader has said. A few years ago I was visiting a large fortress in Minnesota, the name of which I have forgotten, and the first thing that confronted me was a notice that I was not to take any sketches; and more than that, the officer who went around with me, when I showed him my letters, stated that he was very glad to show me the fortress, but said there were certain things he could not show me. He thought I was a colonel in the army, because I showed him my commission as a colonel in the volunteers, and he took me round and pointed out what he pleased, but no more.

HON. MR. POWER—I presume the leader of the House does not think that I am opposing his Bill. I am calling attention to a provision in the first clause which I think is of doubtful propriety. If the doctrine laid down by the hon. member from Richmond is correct, that the onus of proof that the sketch was obtained for a wrongful purpose is with the Government, I think the objection to the Bill will be very considerably diminished. If the Government have proof that the person intended to make a wrongful use of the sketch there would be no objection to such legislation. The portion of the first clause to which I object is the paragraph that I have read. It is perfectly right that no one should be allowed to go into a fortress and take a sketch, but to say that an artist cannot sit down and sketch a military tower or fort from the outside without being liable to prosecution for a misdemeanor seems to me to be going too far. It occurs to me that it would be wiser to strike out this provision. The other clauses are not objectionable.

HON. MR. HAYTHORNE—The case of the amateur sketchers in whom my hon. friend from Halifax appears to be interested is protected by this clause. If their object is of a *bona fide* character they can get permission from the authorities to allow them to sketch. It seems to me that the very place where a fortress like that of Halifax requires to be defended is from the outside. If it is to be attacked it is from the outside, and it is from there that the mischief would be done.

The clause was adopted.

On the 2nd clause,—

HON. MR. ABBOTT said that the blanks could be filled in the House of Commons.

HON. MR. MILLER said he thought that the Senate had the power to fix the penalty, and should do so.

HON. MR. ABBOTT said he would let the clause stand until the third reading, and would in the meantime make enquiry on the subject.

HON. MR. McINNES (B.C.), from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved that the Bill be read the third time to-morrow.

HON. MR. MILLER—I would like to say to the leader of the House that it is only proper that he should make careful enquiry with regard to filling that part of the blank fixing the penalty and the term of imprisonment, because if we possess the power it is not right that we should give it up.

HON. MR. ABBOTT—It is for that purpose I have postponed the third reading of the Bill until to-morrow.

THE GAELIC LANGUAGE BILL.

SECOND READING POSTPONED.

HON. MR. MCINNES (B.C.)—Before the next Order of the Day is called, I wish to say that I was absent from the House when the order for the second reading of the Bill to provide for the use of the Gaelic language in official proceedings was called. I had no idea that we would reach the Orders of the Day so quickly. I, therefore, move that the Bill be restored to the Order Paper, and that it be read the second time on the 18th inst.

HON. MR. MILLER—The hon. gentleman is out of order in interrupting the Orders of the Day with a motion of this kind. Then he is out of order in making a motion without notice. I do not think that the House would object if my hon. friend would move to have the Order restored to the Paper after we are through with the Orders of the Day, but to move it now would be to confuse the minutes.

THE SPEAKER—The hon. gentleman can move it after the Orders of the Day are through with, but I do not think that a notice is required.

HON. MR. MILLER—The Bill has been dropped.

HON. MR DEVER—By whom?

HON. MR. MILLER—By the House.

HON. MR. DEVER—By accident.

HON. MR. MILLER—I say when a Bill is dropped once, a regular notice of motion has to be made to place it on the Orders. That is as clear as anything can be.

HON. MR. MCINNES (B.C.)—I am the last member of this House who would violate any of our rules. At the same time, I thought I should call the attention of the House to the manner in which the Bill had been dropped, and ask to have it placed on the Orders for the second reading on Tuesday next.

HON. MR. POWER—The hon. gentleman can make that motion when we are through with the Orders of the Day.

HON. MR. MILLER—The hon. gentleman can make it with the permission of the House, and no doubt there will be no objection to it. I simply wished to preserve the regularity of our minutes.

SECOND READINGS.

Bill (55) "An Act to incorporate the Shore Line Railway Bridge Company." (Mr. Botsford.)

Bill (80) "An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company." (Mr. Vidal.)

Bill (61) "An Act to incorporate the Lake Manitoba Railway and Canal Company." (Mr. Lougheed.)

SAMUEL MAY RELIEF BILL.

SECOND READING POSTPONED.

HON. MR. MACINNES (Burlington) moved the second reading of Bill (16) "An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May." He said: The Bill on its face states the object to be attained. It appears that Mr. May had expended a large amount of money in plant and buildings for the purpose of manufacturing this patented article, and through the neglect of his solicitor to pay the necessary patent fees the patent lapsed. The object of this Bill is to have it restored.

HON. MR. DICKEY—I think the House should consider well before passing this Bill. The grounds on which this application for legislation is made are set forth in the preamble. It appears that in July, 1883, this patent was applied for and granted for a period of five years. I call attention to section 22 of the Patent Act, which regulates such applications:

"22. The term limited for the duration of every patent of invention issued by the Patent Office shall be fifteen years; but at the time of the application therefor it shall be at the option of the applicant to pay the full fee required for the term of fifteen years, or the partial fee required for the term of five years, or the partial fee required for the term of ten years:

"2. If a partial fee only is paid, the proportion of the fee paid shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of five or ten years, and obtains from the Patent Office a certificate of such payment in the form which is, from time to time, adopted."

Now, that is very plain. The party comes here and says that his solicitor neglected, for a period of three months, to pay the fee, and he now asks us to grant him a patent for the full period of fifteen years from the date of the original application. He asks us to do so on the ground that his

solicitor has failed to attend to his business. If we pass this Bill it will certainly be a bad precedent, and I do not know how it will be possible to maintain a patent office business if we are to be called on from time to time, under special circumstances, to grant these extensions by Acts of Parliament, contrary to the principle laid down in the Patent Act. If there be any ground for the interference of Parliament in cases of this kind it certainly should be found in the Patent Act. There should be some power given to the Commissioner in that Act to decide on such applications. There is no such power, and this application, although it professes to stand on special grounds, is just that sort of application which I think Parliament ought not to grant. It is not from an ignorant, uneducated person, who might not, perhaps, be cognizant of the law, and whose acts ought not therefore to be too strictly scrutinized; but in this case the ground of the application is the neglect of the solicitor employed to do the work. He is supposed to be a man cognizant of the law; and if he does not know the law or neglects his duty he is liable to the person who employs him. I think it does not require much consideration to show that if this application is to be granted we shall have this House flooded with such legislation. The patentee has had the benefit of his patent for five years, and even if we refuse to pass this Bill he will not be deprived of anything. He will still have his plant and buildings. There is another matter to be considered—the effect which this legislation must necessarily have upon the persons who have been acting upon the idea that this patent expired in July, 1888. We are asked to validate this patent and to give this legislation a retrospective effect. Since this patent lapsed persons may have made use of the invention, and if we validate the patent from the time when it was granted these parties will be subject to prosecution. There is a provision in the second section which carefully secures all the rights acquired by those who purchased the right to use the invention, and that shows the necessity of carefully looking at this legislation; because I take it for granted that if such a case should be made out as to call for the intervention of Parliament they certainly should protect the rights of other people who acquired them after this patent had expired, as well as the rights of those who paid for the assignment of the patent. I make a special appeal to the leader of the House, whose business it is to see that legislation is carried on in this House on some definite principle. This is a mere matter of administration. The authorities seem to have been doing their duty, and I do not see why we should, by passing this Bill, establish a bad precedent.

HON. MR. MACINNES (Burlington)—I have no interest whatever in this Bill. It was simply handed to me to present to the House, and I was not aware that any serious opposition would be made to it. Therefore, I am not prepared to meet the objections which my hon. friend has raised. I simply ask that an opportunity be given to get an explanation. If the House will permit the Bill to be read the second time now, and referred to the Committee on Standing Orders and Private Bills, the gentleman interested in it can appear before that committee and make explanations, and if they are not satisfactory the Bill could be thrown out on the third reading. If the House will permit that course to be pursued I think the public interests will not suffer, and it will only be showing fair play to the parties interested in the Bill.

HON. MR. KAULBACH—I shall certainly oppose any such motion as the hon. gentleman suggests. In fact, we would be committing ourselves to the principle of this Bill, which certainly, in my opinion, is very vicious. He says that the matter can be investigated before the Committee on Standing Orders and Private Bills. Now, what has the committee to investigate? The facts are stated in the preamble of the Bill, and nothing further can be elicited by the committee. On the face of this Bill it is vicious. We are asked, after a patent has lapsed and other persons have engaged in the making of the patented article, to exclude them from its operation. People engaged in a business watch for the expiration of patents affecting it and quickly adopt the invention whenever they can do so. This Bill not only asks that the patent shall be revived, but that any person who paid for the privilege of using the patented article shall also be protected, but that anybody who has gone to the expense of

manufacturing these instruments, on the supposition that the patent expired last July, shall be prevented from carrying on his operations— in fact, that he shall be liable for damages for continuing his operations. I say that this Bill, on the face of it, gives all the information that the hon. gentleman could furnish if it reached the committee. If we agree to the second reading we shall be stultifying ourselves by sending it to a committee. Not only would the passage of this Bill be injurious to those who are interested in the patent, but it would be a dangerous precedent to establish. Persons having patents might let them expire if they thought they were of no value, and then afterwards, if any advantage could be derived from doing so, they would apply for such legislation as this. I shall oppose the second reading of the Bill.

HON. MR. SCOTT—I do not read the Bill as my hon. friend from Lunenburg does. This man took out a patent, in 1883, for fifteen years. The patent lapsed through failure of the solicitor to pay his fees at the end of five years. Now he asks to be restored to the position that he occupied in 1883. As I read the Bill, if anybody between July, 1888, and the time that this Bill becomes law, has undertaken to manufacture this patented article, he can go on manufacturing it. His rights would not be destroyed in the slightest degree by this legislation.

HON. MR. DICKEY—Oh, no.

HON. MR. SCOTT—The recital is inconsistent with the enacting clause. The second clause reads in this way: "Any person who has, within the period between the 12th day of July, one thousand eight hundred and eighty-eight, and the extension or renewal hereunder—" that is, from the time this Act receives the Royal assent—"of the said letters patent, acquired any interest or right in respect of such improvements or invention shall continue to enjoy the same as if this Act had not been passed." Now, it is a well settled principle that anybody who, within a certain period within which a patent may be taken out, commences to manufacture, is permitted to continue to manufacture. He manufactures, notwithstanding the granting of the patent. He has the privilege of continuing; but I maintain, under this Bill, that if three or four persons have commenced the manufacture of this article during the time between which this patent lapsed and this Bill goes into operation they can continue to do so, and if there is any doubt about the language of the Bill, the committee to whom it is to be referred can make it perfectly clear and plain, so that no person who has obtained any sort of right under this Bill shall be disturbed in that right. I consider the position of the patentee can be made perfectly consistent with the rights of those who have commenced to manufacture, and in that way we do no substantial harm to anybody. We give the patentee anything that is left. We do not disturb those who have commenced to manufacture, because the patentee has been guilty of laches in not looking after the extension of his patent. If the Bill is at all doubtful on that point the Committee on Standing Orders and Private Bills will take good care that it is made perfectly clear that such is the intention of the Act; because, one would be misled, no doubt, by reading the preamble, which does not agree with the enacting clause. If hon. gentlemen are drawing their conclusions simply from reading the preamble, then I think they are quite right in opposing this Bill; but if they interpret the clause as I interpret it (and I think it is the only correct interpretation to be put on it), then we will do ample justice to those who have commenced in the interim to manufacture, and to the patentee as well.

HON. MR. DICKEY—My hon. friend has not read the first section. It says that this is an application which is to start from this date.

HON. MR. SCOTT—As against persons who are manufacturing.

HON. MR. DICKEY—The first section says: "The Commissioner of Patents may receive from the said Samuel May the application and usual fee for a renewal or extension of the said letters patent for the remainder of the term of fifteen years from the date thereof,"—that is, fifteen years from the 1st of July, 1883.

HON. MR. POWER—And the final words of the clause are: "in as full and ample a manner as if application therefor had been duly made within five years from the date of the issue of said letters patent."

HON. MR. SCOTT—It is a well understood principle of construing statutes that the subsequent clauses control, and there is a special protection for the parties who have commenced to manufacture.

HON. MR. DICKEY—It says anybody who has acquired the right.

HON. MR. SCOTT—He may acquire the right without the leave or consent of the patentee. The committee can make that perfectly plain.

HON. MR. ABBOTT—I regret very much that I feel compelled to suggest that this subject is too dangerous a one for the House to break upon precedent in order to meet the views of the petitioner. The law, as my hon. friend from Ottawa says, makes an exception in favor of any person who has acquired by use a right to manufacture whatever it is that was patented by these letters patent; but it does not make provision for the case of persons who may have made preparations to use it at some expense, and who have not been able to complete them; but my objection to the Bill does not rest on that ground. The Patent Act provides a means by which a person may continue his patent in force for fifteen years. The patent is an encroachment on the rights of the public in the first instance, and it, of course, ought to be construed with reasonable strictness in favor of the public. The general patent law, which governs all cases, provides in effect that if a patentee neglects to make the payments which the Act prescribes within the time fixed by law the invention becomes the property of the public. In the present case the payment ought to have been made in March, as I judge from the Bill, and it was not offered until October; so for six months this improvement and invention became the property of the public, to deal with as they thought proper. The application which is made by the petitioner is to re-vest in him, after the expiration of six mounths, those rights which were vested in the public since last March. The general principle on which we should refuse to pass this Bill is that the patent law must be preserved intact; otherwise, there will be no end to the infringement of it, and no end to the number of cases in which we shall be called upon to pass Acts, in order to remove the disability which has been created by the neglect of the patentee. This principle has been affirmed so strongly during the past years that I think we ought not to ignore that fact. There have been applications to Parliament ever since this Patent Act was passed, repeatedly asking, in cases very much harder than this, for relief, and it has invariably be refused. On the last occasion when a Bill of this description was introduced it was objected to, and the six months' hoist was unanimously agreed to in another place. I refer to that because, although what may be decided in another place is not at all binding upon us, the reasons which were given there seemed to me so strong, so unanswerable, so incontrovertible, that I venture to refer to what was said on that occasion as something to which we must at all events accord a considerable degree of weight. The principal objecters to the passage of the Bill were Messrs. Blake, Mackenzie, the late lamented Thomas White, Pope and three or four other gentlemen whose opinions are entitled to the greatest respect, but who, perhaps, did not fill so large a place in the eye of the public as those I have mentioned. Without any exception, and without any objection in the end, the six months' hoist was agreed to by the House, practically upon the grounds which I have just stated, that the law must be obeyed, that Parliament cannot properly be applied to for the purpose of relieving people who neglect to perform the conditions on which they hold their rights as against the public; that it would be a precedent of a most dangerous character, and would tend to embarrass Parliament with constant applications for relief to an extent which would in the end make the law a dead letter. No reason has been given for this Bill, except that of the omission to pay the fees. If we should pass this Bill every person who neglects to renew his patent might at any period of time—because six months is a considerable time—come to this House and cite this legislation as a precedent for the passage of an Act relieving him. One of the most distinguished of the gentlemen I have mentioned, on the occasion I have referred to, said:

"Many of these cases are no doubt very hard. We have heard of cases where persons holding patents had instructed their agent to apply, but the agent had by some mistake neglected his duty, or a mail was delayed, and we were obliged to say in such cases that the party must have recourse against his agent for neglect

ing his duty, but that they could not come to Parliament, because, if the door were once opened for such cases the law would be always evaded. What we have done in one Session we will be asked to do in the next Session, and there will be a great many more cases than there were at first. Every one of us who has sat here for any length of time knows that in any case where we have passed a bad Act or granted an exceptional indulgence it is quoted time and again, and always as a precedent for doing something worse and opening the door wider."

HON. MR. SCOTT—How did the House of Commons happen to pass this Bill?

HON. MR. ABBOTT—My friend the Minister of Justice called my attention to this: it appears that the Bill passed through the House of Commons without being observed, and it is left to us to perform the function—which I am happy to say we do most successfully perform, on a great many occasions, notwithstanding what people say about us—of correcting the legislation of the other House. My attention was called to this Bill by the Minister of Justice, who expressed a strong opinion, similar to that of Mr. Blake, Mr. Mackenzie and these other gentlemen to whom I have referred, on the subject, and stated his extreme regret that it had passed, and his hopes that such a Bill would not be permitted by the Senate to become law.

HON. MR. MACINNES (Burlington)—I should like to have the second reading of the Bill postponed until I have had an opportunity to communicate with the gentleman who placed it in my hands.

HON. MR. ABBOTT—I should think that that would be quite proper.

HON. MR. MACINNES (Burlington) moved that the Order of the Day be discharged, and that the Bill be read the second time on Thursday next.

The motion was agreed to.

VICTORIA AND SAULT STE. MARIE RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. MACINNES (Burlington) moved the second reading of Bill (84) "An Act to amend the Act to incorporate the Victoria and Sault Ste. Marie Junction Railway Company." He said: This is simply an ordinary Bill for the extension of a short line to a line on which a large sum of money has been expended. The object of the Bill is to give powers to build a railway to connect with it.

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

THE GAELIC LANGUAGE BILL.

RESTORED TO THE ORDERS OF THE DAY.

HON. MR. MCINNES (B. C.) moved that Bill (P) "An Act to provide for the use of the Gaelic Language in Official Proceedings" be restored to the Order Paper, and that the second reading take place on the 19th instant.

HON. MR. DICKEY—Perhaps it would be better to take the sense of the House as to its being read the second time this day three months. I will move that in amendment.

HON. MR. PROWSE—I shall oppose the proposition to take up this matter on a future occasion, because, I take it, the object of my hon. friend is simply to have a joke, and I think the dignity of this House would be ——

HON. MR. MCINNES (B C.)—I rise to a question of order. The hon. gentleman has no right to impute motives. He has no right to say that my object in bringing this Bill before the House is to have a joke. It is no joke, and hon. gentlemen who take that position will, perhaps before long, learn that it is not. The least that can be done is to allow the Bill to go to the second reading, and after the explanation that I propose to make the sense of the House can be taken. If it is the opinion of the majority that the Bill shall not become law I will bow to the decision—but to take advantage of a mere technical objection, simply because I was beyond the bar of the House when the Order was called, to defeat the Bill, is something that is unfair, and without precedent in this House—at all events, since I became a member of it. If I am not allowed to go on with this Bill I shall move a substantive resolution, by which I can get the sense of the House and have my views placed on record. It is unfair, unjust, and contrary to the precedents in this House to take such a course as that which has been proposed by the hon. members from Amherst and Prince Edward Island. I rose to the question of order. The hon.

gentleman has no right whatever to impute such a motive to me as a desire to play a practical joke on the Senate.

HON. MR. POWER—I rise to a question of order. The hon. gentleman who had charge of the Bill was granted permission to move that it be placed on the Orders of the Day. Now, it is not competent for any gentleman, when the hon. member moves that resolution, to discuss the substance or the principle of the Bill. It may be competent to vote down the resolution which the hon. gentleman has moved, but it is not competent, under that resolution, to discuss the principle of the Bill, which can only be done at the second reading of the Bill itself. I may say, I think it is quite unprecedented, after the House has accorded to an hon. gentleman the right to make his motion to have the Bill replaced on the Orders of the Day, that that privilege should be refused. Of course, the hon. gentleman can get his Bill before the House in a shorter time by re-introducing it in a somewhat different form.

THE SPEAKER—If a Bill stands on the Order Paper for the second reading, and the hon. gentleman who has charge of the Bill is not here, and enquiry is made if anybody is to take charge of it, and there is no answer, there is no other course but to pronounce the Bill dropped. It is also equally clear that the hon. gentleman has a right, without notice, after the Orders of the Day are disposed of, to move that this order be restored to the Order Paper. It is not competent to discuss the subject of the Bill on that motion.

The motion was agreed to.

BILLS INTRODUCED.

Bill (88) "An Act to incorporate the North Canadian and Atlantic Railway and Steamship Company." (Mr. Bolduc.)

Bill (60) "An Act to incorporate the Rainy River Boom Company." (Mr. MacInnes.)

Bill (75) "An Act respecting the Calgary Water Power Company, Limited." (Mr. Lougheed.)

The Senate ajourned at 4.30 p.m.

THE SENATE.

Ottawa, Wednesday March 12th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbors, were read a third time and passed, without any debate.

Bill (72) "An Act to incorporate the Brandon and South-Western Railway Company." (Mr. Miller.)

Bill (36) "An Act to confirm an Agreement between the Qu'Appelle, Long Lake and Saskatchewan Steamboat Company and the Canadian Pacific Railway Company." (Mr. McKindsey.)

Bill (49) "An Act respecting the New Brunswick Railway Company." (Mr. Wark.)

Bill (64) "An Act to incorporate the Moncton and Prince Edward Island Railway and Ferry Company." (Mr. Wark.)

ST. CATHARINES AND NIAGARA RAILWAY CO.'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (69) "An Act respecting the St. Catharines and Niagara Railway Company," with certain amendments. He said: I might explain that the clause which has been struck out by the committee was a clause affecting the relative positions of the company and the city of St. Catharines in regard to a large amount of bonds, to the extent of $80,000. It has crept into the Bill, apparently by mistake, in another place, and we were called upon to correct that mistake by striking it out at the instance of the promoters of the Bill and also at the instance of persons affected by it in St. Catharines. Perhaps from the peculiar position of the Bill these amendments and the Bill generally can be considered before the third reading at a future day, as I have had an intimation that there is another important clause required to be added, because the Bill as it stands will affect pending litigation. That, of course, we would have corrected had it been

brought to our notice while the Bill was in committee. This explanation, perhaps, will be considered sufficient reason for moving that the report of the committee be considered to-morrow instead of to-day.

The report was received.

ERIE AND HURON RAILWAY CO.'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (57) "An Act respecting the Erie and Huron Railway Company," with certain amendments. He said: These amendments occur in the clause which gives the company an extension of two years for the commencement and completion of the work, and it became necessary in consequence of an oversight in sending the Bill up to us with that clause, without the usual guards which are provided in such cases, and certainly by the provision of the General Railway Act, and we have simply added to this extension of time the same principle which is the general law of the land with regard to all railways, and which appears not to have occurred to any of the persons who were engaged in the consideration of this Bill in another place. It simply provides that if the company do not complete their work, and if they go on under this, that the clause shall cease to have effect and they shall not be able to go on with any further work, so that it will simply legalize what is done up to the end of that expiration of time, leaving the company in exactly the same position, and using exactly the identical words of the Railway Act.

HON. MR. VIDAL moved that the amendment be concurred in.

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

IMMIGRATION IN THE NORTH-WEST TERRITORIES.

MOTION.

HON. MR. LOUGHEED rose to—

Direct the attention of this honorable House to the great advantages that would accrue to the entire Dominion through the adoption by the Dominion Government of a system of immigration calculated to speedily settle the vacant lands of Manitoba and the North-West Territories; and enquire what steps the Government intend to take towards the adoption of such a system?

He said: I might say in this connection, that the North-West Territories have not the same powers as the other Provinces to deal with this question. The Territories have not the absolute control of the Federal fund and cannot divert any portion of it in this particular direction, except through the Federal Government. They furthermore have not the power to pledge the credit of the Territories in the same manner that the Provinces have to pledge the credit of their particular Province. It therefore becomes necessary that this course should be pursued by a representative from the Territories, so that the importance of this question might be brought before this honorable House. I would just observe in the first place that I justify my advocacy of this subject upon a couple of general principles which I think will be assented to by this honorable House. In the first place, to have a nation we must have population, and, in the second place, the importance or greatness of that nation depends upon the numerical strength of its population. It is unnecessary for me to say that the nations of other countries prove this fact. If we look at the nations of other continents the fact is patent of the correctness of the general proposition which I have laid down, that in proportion to the increase of population will be found the sum of the greatness of that nation and of its national security; in proportion to the increase of population you will find a corresponding increase of all those elements which go to constitute national greatness; in proportion to the increase of population cities will grow, lands will be tilled and the nation will become prosperous; in proportion to the increase of population railways will be built, industries will spring up, established ones will be expanded, ships will be made to plough the ocean highway and capital will vie with capital in opening up national resources. In fact, new vitality will be given to the body politic by the adoption of such a scheme of emigration as that which I am about to advocate. I am aware that there has prevailed, up to the present time, a comparative indifference in the minds of the people of Canada, in regard to this very important subject. I am not going to say that one Administration or another has been lax in its duty in respect to this very

important matter. I think public opinion in eastern Canada is entirely to blame for the laxity or indifference which has prevailed up to the present time, in not urging the adopting of as vigorous an emigration policy as we find in other countries on this continent as well as Australia. To prove the force of the contention which I have just submitted, I would direct the attention of the House to what other countries upon this continent as well as Australia are doing in this direction. I would refer first to the Argentine Republic in the way of what it has been doing and is doing to-day in the way of immigration. The Argentine Republic has, as you are doubtless aware, not by one-half the same area of land as we in Canada possess. The area of the Argentine Republic is 1,619,500 square miles. The population at the last census—which I believe was taken quite recently—was 3,800,000. The entire revenue does not exceed by very much the revenue of our Dominion, yet we find the Argentine Republic spending over a million dollars per year to encourage immigration. From the last report we learn that an appropriation was made by the Parliament for fifty thousand assisted passages from the British Islands, Germany, Norway, Sweden and Denmark; and in the year 1889 a volume of immigration amounting to 250,000 souls went into the Argentine Republic. So important has that become that I find in a Blue Book issued by the Imperial Parliament particular attention is directed to the operations of the Argentine Repulic as a field for emigration. The volume which I hold in my hand is the correspondence respecting emigration to the Argentine Republic from the Imperial officers in the country. I find on page 1 of this report which has been prepared by the Imperial Parliament the following statement:—

"The Commissary-General of Immigration, Senor Navarro, has been sent to Europe, $30,000 having been voted for his expenses, and a credit of $1,000,000 opened to him for the purpose of attracting emigrants belonging to the northern races of Europe. He has been authorized to grant 50,000 assisted passages. At the same time, Senor Lanus, the inspector of information offices, who resides in Paris, has been instructed to furnish 20,000 assisted passages for France alone. By this means, the Minister of Foreign Affairs trusts that the number of emigrants landing on the shores of the Argentine Republic in 1888 will be at least 200,000."

I would direct your attention also to a paragraph which I find in the same correspondence, upon page 5 of the report:

"Independently of the direct advantages to be derived by British shipping from the conveyance of emigrants to the Argentine Republic, the owners of the large amount of capital invested in the country cannot fail to derive great benefit from the rapid increase of the population due to immigration. It is generally recognized that the chief element wanting for the development of the vast natural resources of the Republic is labor. During the last four years the immigration has averaged about 120,000 persons, almost exclusively belonging to the productive classes. It is calculated that at least 200,000 immigrants will land in this country during the current year, and that the annual average for the next decennial period will not fall short of 250,000 souls. The present population of the country is about 3,500,000, and it may be assumed, after making due allowance for occasional interruptions of the progressive increase of immigration, that the population at the end of the century will be upwards of seven millions."

In the same report I find this statement:

"During the four years, 1885-88, over 476,000 immigrants arrived in the Republic, or nearly 35 per cent. of the total immigration of 1,374,787 for the thirty-two years, 1857-88. It is of course not to be expected that the full effect of the Argentine propaganda, including the subsidiary passages to which I alluded on a former occasion, will be felt for some time to come; but I am assured on the best authority that 40,000 immigrants, chiefly Belgian, Dutch, North German and Swedes, are confidently expected to arrive during the year 1889, the efforts of the Argentine agents having begun to bear fruit in all parts of Northern Europe, excepting, perhaps, in the British Islands."

I find also on page 46 of this correspondence a statement which I apprehend must be true; otherwise, I cannot conceive that with the authority of the Imperial Parliament it would be inserted in one of their own Blue Books. It is a report from an extract taken from the Buenos Ayres *Standard* of 31st April, 1889:

"Immigration is flowing into the country in such vast numbers that the total of fresh arrivals for 1889 is already calculated to reach 250,000 souls. The magnitude of this current can be readily gauged when we consider that the total population of the Republic is not supposed to exceed 4,000,000. Comparatively speaking, therefore, the current of emigration to the Argentine Republic may be reckoned as the largest ever known in any country, eclipsing the relative proportions of the hegira to the United States. As we have remarked in previous issues, British immigrants are beginning to form an important factor in these numbers, and we warn our countrymen beforehand: it is absurd to come to these shores in thousands, nay even in hundreds, at a time. At the rate of 100 families per month, satisfactory prospects may be offered to them, but coming in thousands, they are doomed to meet with drawbacks and sufferings they never expected in a young and progressive country like this. All the late British arrivals have been settled on a colony in the south, but it is not every day that a Gartland starts up to found a colony for the benefit of British arrivals, and emigration agents in Great Britain should bear this in mind."

I have to apologize to the House for reading so much from this particular correspondence, but as it is issued by the

Imperial Parliament I apprehend it is the very best authority I can cite to this honorable House in support of the contention which I am about to submit, that our Parliament should certainly take more active measures towards the inauguration of such a policy as has been adopted by the Argentine Republic. We have labored under the delusion, as I might well put it, for a long time, that many of the South American States have been quite indifferent in the matter of immigration, and have not exhibited that degree of energy in advancing civilization which we find in more northern countries. But even in Mexico we find a most vigorous policy of immigration being adopted. On very good authority I learn that Mexico is now instituting a vigorous propaganda in Great Britain, and upon the continent of Europe is extending its ramifications in all directions for the purpose of inducing emigration to that country, and I find that the following inducements have been held out by the Mexican Government to those who should choose to go to that country;

"The terms offered are $50 each for every colonist above twelve years of age who is settled in the colony for six months, and a bonus of $200 per year for five years for each family, and $40 for each individual for the same period who is not a member of a family. In addition, various implements, machines, waggons and horses, and colonists' effects, will be allowed to enter the country free of duty."

I find also that in Australia a most vigorous immigration policy has been adopted. I find that for the years 1883, 1884, 1885 and 1886 the Australian colonies have spent at least $1,600,000 a year for immigration for the last ten years. The volume of emigration to the Australian colonies has been 206,000 people per year. This seems unprecedented, when compared with the limited number which have come into our Dominion. For the last ten years in Australia 206,000 souls have been coming in per year. I find in Chili, where they have an area infinitely smaller than our own—only 124,000 square miles—and the revenue about the same as our own, but with a population of only 2,527,320, and where only 18 per cent. of the land is of an arable nature, they are most active on the continent of Europe in directing the stream of emigration towards their shores. I find that in the last five years 520,000 emigrants have gone in per year into the United States, and in addition to the large inducements which have been held out by the Federal Government of the United States towards immigration I find that all the States of the Union are exerting themselves in the most emphatic way towards controlling this tide of emigration, which is pouring in to those States, not only the South American States already mentioned, but Uruguay, Paraguay and other South American States, inclusive of Brazil, are exercising equally vigorous efforts to capture European emigration which is coming to the continent. Under these circumstances, I therefore think that Canada, possessing infinitely greater advantages than any of the South American States to which I have just alluded and infinitely greater advantages than any of the Australian colonies, has shown a laxity and indifference up to the present time, and should at once adopt, to say the least, a policy equally vigorous as that of any of the South American States or Australian colonies. Not only have the countries on this continent been active in this direction, but we find a greater activity prevailing in Great Britain on this particular subject than we have been giving it ourselves. It may appear somewhat strange that Great Britain should trouble herself in this matter, and that she should make large expenditures in the matter of emigration while we have been comparatively inactive in the matter. I find from the Blue Books issued by the Imperial Parliament that a select committee was appointed by the Parliament of that country to enquire into the matter of immigration into the various countries upon this continent, as well as into Australia; and the first scheme which appears to have received attention from that committee is the one which has been recently launched, known as the Crofters' Scheme. Most of the hon. gentlemen are doubtless aware that very recently a number of Crofter families have been sent from Scotland into our North-West Territories, and very close investigation appears to have been made into the result of that movement, for the purpose of, I take it, if possible, of enlarging the movement, of expanding it and extending it to many thousands of Crofter families whom the British Government consider it advisable to direct to this Dominion.

HON. MR. MCINNES (B.C.)—How many Crofter families have gone into the North-West Territories up to now?

HON. MR. LOUGHEED—Seventy-nine families, under this movement, according to this report. But I may say that this movement has been introduced more as a test than anything else, with a view of following it up on a large scale. I would call hon. gentlemen's attention to the report of the Committee on Colonization, in section 26 of which is given a short *résumé* of the scheme, and, with the permission of the House, I shall read it:

"The Governement are now prepared (that is, the Imperial Government) to recommend Parliament to advance a sum of £10,000 to start a colonisation scheme for the crofters and cottars of the congested districts of the western highlands and islands, upon the condition that £2,000 is provided by private subscription.

"It is proposed that in the event of the £2,000 being raised the total sum of £12,000 should form an emigration fund, and be administered in the following manner:—

"1. That three or four trustees or commissioners should be appointed as a Board to represent: (1) the Imperial Government; (2) the Canadian Government; (3) the private subscribers; and (4) the important land companies, whose gratuitous co-operation and assistance have been promised, subject only to reimbursement of actual authorised outlay; and that this Board shall be intrusted with the responsibility of carrying out the scheme in accordance with the intention of the Government.

"2. That the Board shall be empowered to obtain such clerical or other assistance (possibly two paid emigration agents, one in this country and one in Canada) as may be necessary in the selection and final settlement of the emigrants.

"3. That in the event of the families being selected and arrangements made for their reaching the port of embarkation, the emigration officers of the Canadian Pacific Railway will take charge of the emigrants at Glasgow or elsewhere, carrying them to their final destination in the North-West Territories for a fixed low rate of passage-money.

"4. That, in order to meet the cost of emigration, and to comply with the provisions of the Dominion Land Acts, a sum not exceeding £120 shall be advanced for each family, of which five-sixths shall be advanced by the Imperial Government and one-sixth by private subscription, and expended in accordance with a scheme drawn up and approved by the Minister of the Interior in terms of the aforesaid Acts.

"5. That the Board constituted as above will undertake, by means of their agents, to settle the emigrants on the Government land, to provide temporarily for their wants, and to collect the instalments of capital and interest from them in the manner hereinafter mentioned, they having the benefit of the knowledge and experience both of the Canadian Government land agents, and of the gratuitous co-operation of the officers of the Canadian Pacific Railway, the Hudson Bay Company, and the Canadian North-West Land Company.

"6. That the Canadian Government will give free grant lands of 160 acres to each family, and also render every assistance through the High Commissioner in London, and through their immigration agents in Canada, in connection with the selection of the land for the immigrants, and their preliminary settlement. The Canadian Government will require that the emigrants selected shall be formally approved by an officer on their behalf.

"7. That the money grants shall be for a period of twelve years, bearing no interest during the first four years, but the before-mentioned Board will collect the principal and interest from the settlers during the last eight years by an annuity which, on an advance of £120, would amount to £20 17s. 8d. per annum. This is equivalent to an average interest of about £4 6s. per annum during the whole period of twelve years.

"8. That the foregoing Board will take, by way of security for the sum of £120, or lesser sum, so advanced, a mortgage on the 160 acres of free grant lands of the Dominion Government, including a lien on the chattels, the mortgage being secured in favor of the Board by legal agreement."

Now, in pursuance of that particular scheme, seventy-nine Crofter families have already been located in the North-West Territories, and I find from the report given by Sir Charles Tupper when he was last in Canada—and contained in this report, at section 978—that these Crofters expressed the greatest satisfaction and content at their location and prosperity. I will read you the sections I refer to:

"Then, I suppose, until those reports arrive, you are not in a position to say whether those people have any complaints to make or not, and whether they are satisfied or otherwise? A. I know that Sir Charles Tupper, who is my chief, visited the settlement this year and heard no complaints whatever. He found the people in a very satisfactory condition and very hopeful of their prospects; they made no complaints to him although he went amongst them."

Let me say in this connection that I see there have been circulated very recently most damaging reports with respect to the condition of those crofter families. I find on the very best authority which I have received from the North-West that these reports are utterly untrue and foundationless, and have been made for a malicious purpose, and have been designed beyond a doubt by persons who seek to direct this particular tide of emigration to the countries outside of this Dominion. Late reports received up to a few weeks ago are of the most satisfactory character, and of a most encouraging nature. This scheme of the crofters indicates on the part of the people of Great Britain a very strong desire to assist emigration to this Dominion, and to assist it in such a practical way that the British people are prepared to put their hands in their pockets and assist a movement of this kind; and I say that when we see such a practical demonstration of their desire to assist this Dominion in promoting emigration to our shores it is high time that we co-operated with them and assisted ourselves in a more vigorous fashion than we have been been accustomed to do up to the present time. Here we find not only the Imperial Parliament paying out £10,000 sterling to assist this movement, but we find private individuals in the

mother country putting their hands into their own private purse to assist this movement. I say it should inspire us to hope and activity in this country, and that we should not be reluctant to adopt a most vigorous emigration policy. I would now direct the attention of hon. members to a discussion which took place before this committee as to the advisability and as to the practicability of expanding this particular scheme, so that it might reach even gigantic dimensions. The opinion of this committee appears to have been that colonization is preferable to any other system for the emigration of people in Great Britain. Colonization as distinguished from immigration should be the scheme selected by the Imperial Government—a scheme that would be assisted by them and by the people of Great Britain. I find this discussed in sections of the report which I shall ask hon. members indulgence while I read them to the House. Section 893 gives a statement by Mr. Culmer, who was examined before this committee, and who is Secretary of the Colonization Board; and in reply to the question:

"Do you believe in emigration pure and simple as apart from colonization?"

replies:

"I believe in it up to a certain extent, but I do not think that emigration is practicable as a large scheme."

"Q.—Do you think colonization is?

"A.—I think colonization is.

"Q.—Upon the lines which you have started?

"A.—Very much upon the lines which we have started—probably with some amendments, which would be suggested by the experience on the Board."

I may say, in explanation, in case the point should occur to any of the gentlemen here, that the distinction between the two schemes is this: that in the matter of colonization steps are taken to see that the emigrants are located in this country upon a certain amount of farm lands. In the matter of emigration they simply assist the emigrants with a sufficient amount of money to land them in this country, and do not undertake, after that duty is performed, to exercise any further supervision over them. That appears to be the distinction between the two schemes, as far as I can understand it. Under section 1088 of this report I find this subject discussed in the following manner in the examination of Sir G. W. Hubert, who, at that time, was Under Secretary for the Colonies:—

"Do you see your way to getting over the objection that has been always raised by the Government, whether in respect to Newfoundland or any other place?—No; unless the Government can be induced to change their opinion. I should say myself that it would be expedient for this Government to face a certain loss. I look upon it that whether in the case of colonization or emigration, only a proportion will in either case be repaid of the advances that are made, but I think it would be worth while on all grounds for this Government to make an advance, even on the distinct understanding that it would not get it all back. It would get part of it back; and for that part which it did not get back it would do a great deal of service to the people here and in the colonies. Within limits, and if it is carefully supervised, I think it is desirabie to promise colonization even although you may make a loss. I do not believe these colonization associations will succeed very well anywhere, except under the conditions of having first-rate land, good communications, a good climate and the probability of such a devolopment as will raise the value of the land from a few dollars to £6 or £8 or £10 value in a few years? I can conceive of a colonization scheme, if remunerative, repaying its advances in a very first-rate location, but such places are hardly to be got now, either on British or American soil. There may be some such places, but they are very difficult to find.

"You would face a certain loss on the part of the British Government, in order to promote emigration?—Yes; within limits.

"Within what sort of limits?—I think it would be very well worth while to advance £500,000 on a good scheme, expecting to lose £250,000 of it. I think it would give great relief in the congested districts, and therefore be worth doing."

That is to say, that if the Colonial Government would not guarantee an advance for the purpose of assisting those emigrants, that the Imperial Government themselves should assume a certain loss in assisting this tide of emigration. Then, section 1111, speaking of the question of guarantee, Sir R. G. W. Herbert is asked if he would acquiesce in dispensing with the guarantee, and advancing the money without it, and he replies:

"I think you must not expect any reliable guarantee; therefore I should hold that it is only in exceptionable times of pressure, and in those places which are exceptionally congested, that it should be had resource to. I am not saying that, in my opinion, this is a moment in the condition of the country at which the necessity is very strong, but still I think the condition of the country is such as to make a scheme worth trying."

Then, in section 1115 he is asked:

"Do you think there would be any objection to the Home Government making advances to assist companies if they got a guarantee from the companies as to the repayment of the loan?—If the company were so constituted and had such uncalled capital as to be absolutely able to meet the guarantee, the State need be under no apprehension in making the advance."

Again, in section 1151:—

"Now, I should like to ask you a question as to your opinion that it might, under certain circumstances, be worth while to raise £500,000, facing the loss of £250,000 for the purpose of colonization; I

would like to ask you, had you present in your mind in making that statement the results in this respect of increasing our export markets at all?—Yes; I consider that is one of the means in which the outlay would be indirectly recouped to this country."

Then, at section 1419, upon the same point, on which another gentleman is examined—I refer to Major Rutledge-Fair, who I believe is one of the officers of the British Government, and I may say is thoroughly familiar with Canada as a field for carrying out this scheme, is asked:—

"You believe that the colonisation to Canada is far and away the best scheme we have had?—I do; and I believe the colonisation in the North-West, from what I saw of it, could be very well worked out under careful management."

This gentleman had inspected the crofter scheme, and, having looked carefully into it, declared that he thought the Government would be warranted in making the advance. Then, again, in section 2770 of the same report I find the following:—

"But the colonisation money you would expect to be returned?—I would expect the money that was expended in providing a family with a home and with stock to be returned; and I think it would be returned. If it were under proper management (of course the management is everything), and a proper selection of the families were made, I think it would be returned.

"And you would regard with equanimity, would you, the State practically becoming the landlord of a large number of people who were settled in Canada?—I think it might be done."

Sir H. Owne corroborates what has been said on this point by preceding witnesses, and I find throughout the whole report it is pregnant with the ideas which I have already read to this House, and which would receive the strongest confirmation of the public of Great Britain as well as of the most eminent statesmen there. This select committee appears to have been thoroughly imbued with the practicability of this scheme. Now, the question of this Government guaranteeing to the Imperial Government the re-payment of the large sum of money which might be advanced by the latter has received considerable consideration heretofore, and has occupied the attention of this Government, and also the attention of the Imperial authorities, and we have already come very nearly having one of the most successful immigration schemes that has ever been launched in this country carried out, only for this rock of guarantee upon which the parties split, and in this connection I submit to this honorable House that it would well repay Parliament the assumption of such a liability as would be necessary to guarantee repayment to the Imperial Government of a very large loan for this purpose. I would direct the attention of hon. gentlemen to the scheme, in which Sir Geo. Stephen appears to be one of the most prominent parties, and which came almost to a very successful termination, but owing to this principal difficulty it failed. In section 1005 of this report I find this dealt with, speaking of various schemes. I might say that this committee had before them ten or twelve schemes of a very important nature dealing with this particular subject, but I am not going to weary this House by referring to the whole of them. I would direct your attention, however, to one in which we are particularly interested, and one if, which carried out, would have been an extremely fortunate thing for this Dominion. The Under Secretary of State for the Colonies is now being examined:

"The next scheme you spoke of was a scheme suggested by Sir George Stephen?—Yes; by Sir George Stephen, who was then Mr. Stephen. He did not propose it on behalf of the Canadian Pacific Railway Company, but he undertook to make the offer on the part of the North-Western Land Company of Canada. What was the date of that?—That was also in 1883. It had reference to emigration from Ireland. His proposal was that that the Treasury should advance £1,000,000 to the North-Western Land Company of Canada, and that by the expenditure of that £1,000,000 some 10,000 families, amounting in the whole to some 50,000 people, might be taken out to Canada; that the company should give 160 acres of land with a house, a cow, and agricultural implements, seeds, and everything to start the colonisation, to each family, and that the loan should run for ten years without any interest, the company taking all risks and responsibility for recovering from the colonisers and repaying the loan. The company would take a lien to the amount of £100 on each block of 160 acres, which would be given to the settler at 6 per cent., and the settler might acquire the land by the payment of that £100 with interest, at any time during his tenure of it. He held that the removal of each family would cost the Government no more than the interest on £100 for ten years; that is £2 10s. a year, or £25 over the ten years. This scheme received a great deal of consideration from the Government. It was in Lord Derby's time. I produce the scheme, which, as I say, was much considered, but the proposal fell through, because the Treasury thought it necessary to stipulate that the Dominion Government should make itself responsible for recovering the advances from the settlers, both principal and interest, and the Dominion Government declined to do that. They said they would readily give the land required, but they had insuperable objections to the Government becoming directly or indirectly the creditor of the settlers. They thought that if they did undertake to recover those advances there would be a great deal of political influence used by settlers to relieve them from making the repayment, and that in fact the company would be more likely to be able to put effective pressure upon the settlers than the Government, for political reasons, would be able to do. The Colonial Office recommended the scheme strongly, because it was felt

that it could hardly fail to result in the emigration of much more than 50,000 people. Though the whole amount might not be repaid, a greater number than 50,000 could have been taken out of Ireland by it.

"1012. As the first condition under which the matter was to be considered, was not there a requirement of a guarantee by the Canadian Government which fell through, and that falling through the other details of this scheme were not proceeded with any further?—They were not proceeded with any further in the absence of an undertaking from the Dominion Government."

Now, discussing this question of guarantee, I do not assume that I am able to handle the subject by any means with that degree of ability which should be brought to the consideration of it, but I think that as cheme could be very well brought into operation by the Dominion Government by which they could guarantee such an advance as I have intimated. As to the Government becoming a creditor of the settler, the Government at the present time is very largely the creditor of the settler for every acre of land that is bought in the North-West and for every pre-emption that is taken up. For every homestead located the Government is the creditor of that homestead settler to the extent of that settler paying up the duties which by law he is called upon to pay before he gets a patent for his land, and so I take it that purchasers from the Government of what the Government may have to sell in the matter of lands, timber, minerals, or whatever else it may be. So that while perhaps more directly under such a scheme as this the Government would have to become the creditor of the settler, yet I say at the present time in numerous cases the Government is already the creditor of the settler, and I do not think it has been found up to the present time to cause so many abuses as to warrant the Government in pursuing any other policy than the one that they have followed with the settler. I think therefore that it is unfortunate for the Dominion that this scheme, so large in its proportions, and which might have been attended with such magnificent results, should have failed, for the simple reason that the Government of this country was not prepared to guarantee to the Imperial Government the collection of this one million pounds sterling that would have been advanced to the settlers proposed to be sent out. That money would have been secured on the land given them, and on the improvements placed thereupon. You will recollect that this is not asked as a gift, it is not asked without any consideration being given, for it is merely such a guarantee as is already given, in fact, to a certain railway enterprise, and is required for the purpose of bringing out large bodies of settlers such as I have alluded to. If the Government do not care about directly assuming the responsibility of becoming the creditor of the settler in this respect there are various ways in which this alleged objectionable mode might be avoided. The Government might appoint certain trustees with whom the settler could deal, and in this way the matter would be entirely taken from the domain of Parliament, and the settler would have to deal directly with these trustees. I can conceive of such a scheme as that being possible, so that no friction need occur between the Government and the settlers.

HON. MR. O'DONOHOE—I should like to ask my hon. friend what security the Government would have over the settler should he choose to cross the lines and go the United States? That is one point. The second is, has my hon. friend learned of the amount the Government of Canada have paid since Confederation to encourage immigration, and the result of that expenditure? These would be important matters to come in with the argument which my hon. friend is addressing to this House.

HON. MR. LOUGHEED—I am pleased that the hon. member from Toronto has directed my attention to these points, and I shall be very glad to answer them. In the first place, the security to which I have alluded is a similar security to that taken by those who advanced this £12,000 to the crofters who have settled in the North-West Territories. A mortgage has been taken from those settlers upon the land and also upon all personal effects which have been given to the settler out of this grant of £120 to each family. The £120 are not given to each family before they leave the point of embarkation, but the money is expended judiciously in acquiring for them a certain amount of stock, buildings, and certain accommodations on the homestead which are given him by the Government.

HON. MR. POWER—And in paying his landlord in Scotland.

HON. MR. LOUGHEED—I do not think my hon. friend is warranted in making that assertion. In the provision made by the Imperial Government it certainly was not contemplated that any of the money should be diverted to that particular purpose, and I fail to understand why the hon. gentleman from Halifax should make such a statement. A well defined scheme was devised by the Imperial Parliament: money was appropriated and placed in the hands of trustees, who are able men and who, I take it, have seen that that money was applied as contemplated by Parliament, and so far as I know every dollar of that money has been expended in the manner which was intended.

HON. MR. MACDONALD (B. C.)—Did not the landlords help the crofters to emigrate?

HON. MR. LOUGHEED—Yes; the landlords paid out of their own pockets £2,000 sterling, for the purpose of assisting this handful of crofters to come out and settle in this country. The hon. gentleman from Toronto has asked what amount of money has been spent by the Dominion Government since Confederation in promoting immigration. I am aware that the Dominion Government have up to the present time spent a large amount of money for that purpose, but for the last few years they have not seen fit to appropriate so large an amount as they previously did, and I regret very much to say that the expenditure of that money has not been productive to the extent that one would naturally have expected. Whether the scheme has been at fault, or the administration of the system adopted for that particular purpose has been defective, I am not prepared to say. One thing I do know is, that there is a very small tide of immigration into this country, and not at all commensurate with the immense resources we possess. During the last ten years it has been estimated that about fifty thousand persons per year have come into the Dominion, and, as I understand, somewhere between two and three hundred thousand dollars a year has been devoted to the encouragement of immigration for the last ten years. I would direct the attention of the hon. gentleman, and particularly of the Government, to the fact that, notwithstanding this expenditure, which appears to me to have been a reasonably large one for such a purpose, yet satisfactory results are not apparent in Manitoba and the North-West Territories. We find the population of Manitoba and the North-West Territories at the present time scarcely exceeds a quarter of a million, and at the outside does not exceed 300,000. Most of the settlers in Manitoba and the North-West Territories have not emigrated from Europe, but simply migrated from Eastern Canada. It is estimated on good authority that not more than 33 per cent. of the settlers in Manitoba and the North-West Territories have come from European countries. Taking 35 per cent. as the number, we have only some one hundred thousand settlers from Europe; therefore, no matter how much money has been spent, no matter what efforts have been put forth up to the present time, those results have not been satisfactory, and either a different system should be decided upon or other means taken for the purpose of seeing if we cannot increase the volume of emigration and have some such influx of settlers into the North-West Territories as the Argentine Republic or the Australian colonies have. In the Argentine Republic, as I have stated, 250,000 persons emigrated to that country last year, and it is expected that the influx will continue to be equally large for the next ten years. For the last ten years Australia has received 206,000 emigrants every year. From the very closest investigation, as I shall point out to you afterwards, none of these places possess the same facilities or capabilities or the same promise for immigration as Canada; none have the resources equal to those which we possess. Our capabilities are far greater than those of either of the countries to which I have alluded. I do not by any means make any attack upon the administration of immigration by our Government to the present time; I attribute it to the fact that public opinion has not been concentrated upon this subject in these times to the extent that it should. The subject has not received the public attention that it deserves; it has not received that close attention to which it is entitled, and by which such a scheme as I have been speaking of might be evolved from enquiry and investigation on so important a subject. Not only has the attention of the Imperial Government been directed towards crofter emigration, but I would ask hon. gentle-

men to bear with me for a short time while I refer to the infinitely greater volume of emigration from Ireland, and also the great efforts put forward by the Imperial Government to aid in relieving the congestion of population in that country. I would refer to section 2038 of this report. When we come to consider the efforts which are put forth by the Imperial Government to assist in carrying out the various schemes, it seems incredible almost that they should take such a deep interest in them. I find that £200,000 have been lying there waiting for some company or colonial Government sufficiently energetic to take hold of that money and spend it in aid of emigration, and yet that money lies there idle in the coffers of Great Britain, waiting for somebody to administer it under the proper conditions, and assist emigrants to where they could satisfactorily locate. Major Rutledge-Fair was examined. He was Local Government Board Inspector of Ireland. He was asked:

"You told the committee about the Arrears of Rent (Ireland) Act, 1882, and the Tramways and Public Companies (Ireland) Act, 1883, and the Land Law (Ireland) Act, 1881. Can you tell the committee what has been done under any of these Acts?—Under the Act of 1881 there has been nothing done; that was an Act empowering the Land Commissioners to advance a sum not exceeding £200,000 sterling to any company. They might contract on behalf of any state or colony, or with any public body or public company with whose constitution and security the Land Commissioners might be satisfied, for the advance by way of loan of a sum not exceeding £200,000 to assist emigration, especially of families from the poorer and more thickly populated districts of Ireland. Nothing whatever has been done under that enactment.

"Can you tell the committee whether anything has been done under any of the other Acts to which allusion has been made?—The Arrears of Rent Act of 1882 and the Tramways Act of 1883 enabled grants to be made from a sum of £150,000, which was voted for emigration purposes. Of that sum £131,000 has been expended."

Then, in another case, the same witness said:

"There was a free grant of £100,000, was there not, from the Government?—£150,000 it reached eventually; it was £100,000 under the first Act and £50,000 under the second Act; it was £100,000 under the Arrears of Rent Act, and £50,000 under the Tramways Act. There was to have been a second £100,000 under the Tramways Act, but gentlemen interested in migration had £50,000 of it diverted to migration purposes; and I understand that not one penny of the £50,000 so diverted to migration has ever yet been spent. It is simply lying there."

And again, answering this question:

"Therefore, at this moment, there is money lying idle to the extent of £265,000?—Yes; £200,000 under the Act of 1881, £50,000 voted under the head of migration, and £15,000 here, the unexpended balance of the first £200,000 should be clearly kept separate from the rest, because it was only to be lent. The other £200,000 was a free grant."

Now, it would appear almost incredible, as I before stated, that the Imperial Government should be so lavish in their assistance, but it shows the disposition of that Government to deal with this subject in a generous and handsome manner. I therefore think it becomes the duty of this Dominion, as far as possible, to come into touch with the Imperial Government on this question and take advantage of those various inducements which are being held out by the Imperial Government to assist in the matter of emigration. A large volume of emigration leaves Ireland yearly, and there is no reason why that volume should not be attracted toward our shores. I would desire to shortly deal with this question as to the volume of emigration leaving Ireland. The witness is asked:

"But are you satisfied, notwithstanding the opposition of the leaders, that the feeling of the Irish people is strongly in favor of emigration?—There cannot be a doubt of it; you see it everywhere; I should think 79,000 people left Ireland last year, and 60,000 this year."

And under another section I find the average emigration from Ireland for the last ten years is something extraordinarily large:

"You have told the committee already that the number of persons emigrated last year was 79,000, and that the number this year was 60,000?—I do not know exactly what they have been; I can only judge. It is a question which I follow up with a great deal of interest; and observing the weekly returns which have been published in the press, I think there has been a decrease this year; I could not say to what extent it is, but I shall be surprised to hear that emigration this year has been anything else than decreasing. In the year when the guardians and Mr. Tuke were at work, in 1883, the emigration was 102,000."

I cannot put my hand on the section, but the statement is made here that the volume of emigration from Ireland for the last ten years reached about 70,000 souls a year. A great deal of that has been to the United States and Australia. I find a statement here that out of this immense emigration for one year only 700 were assisted:

"But the great mass of emigrants go without any help whatever, do they not?—Yes; the great mass of the emigrants do go without any help whatever. The only persons out of the 79,000 who were sent out of whom I had any cognizance as having been sent out by assistance were the 720."

Where did these emigrants go? They certainly did not reach this country. By some inducement they must have been disposed to go elsewhere, and therefore I say that it is for this reason I beg to draw the attention of this honorable House to the necessity of our endeavoring to capture this immense emigration from the British Islands to foreign countries. I find here also a proposed scheme for emigration from Ireland which might be taken advantage of by this Dominion, in which a large amount of money is proposed to be expended, or the expenditure of which is suggested, and which possibly might be carried out to a very successful consummation. This question is propounded to the witness:—

"But I want to know have you made any estimate of what it might cost the United Kingdom to effect a great flow of population so as to bring about the results which have been obtained in Belmullet, without reference to individual cases?—About £5,000,000.

"Do you think that if £5,000,000 were spent the result would be permanent and satisfactory?—I think so; I think it would relieve a great deal of the overcrowding, the holdings would be increased, and the prosperity of those who would be sent would be enormously increased.

"How many people would that money emigrate? —Five hundred thousand."

Here I say is an important scheme for the atttention of our Government to be directed to, and would possibly result in the Imperial Government carrying out the proposition, thus giving an enormous impetus to this country. I find that from the examination of various witnesses before this committee the Select Committee thoroughly satisfied themselves upon the point that there was no field equal to Canada for emigration and the most emphatic opinions were expressed by all those witnesses, many of whom were very familiar with Canada. Some of them had come out here for the purpose of inspecting it, I presume, with the view of reporting on the agricultural capabilities of the Dominion. They reported most favorably regarding Canada, and as between all the countries I have mentioned — Australia and the South American States—and Canada, it is considered there is no comparison. Many of the hon. gentlemen have no conception of the magnitude of the North-West Territories and Manitoba. I find that in the four districts—Manitoba, Saskatchewan, Alberta and Assiniboia—we have 250,000,000 acres of land, which would make 1,500,000 farms of 160 acres each. We have already 80,000,000 acres surveyed, which would make 500,000 farms of 160 acres each. What are we going to do with these immense possessions that we have in that country, unless some gigantic scheme, such as I have indicated, is instituted and carried into operation by our Government. Is that land to lie there unoccupied for a century to come? Are we to trust to voluntary emigration from Europe, without our putting forth some extended effort? At the present time there is no country on this continent, or elsewhere, that is called upon to the same extent as we are to put forth most vigorous efforts towards the accomplishment of this purpose. There can be no doubts as to the capabilities of Manitoba and the North-West Territories in the matter of agricultural land. It is considered the most fertile country upon the continent. It is traversed by the most magnificent rivers, clear as crystal. Our grasses are the most nutritious, both in their nature and in their quantity. We have most magnificent forests within easy reach of railway communication, enough to build homes for a whole nation if cut into lumber.

HON. MR. MCINNES (B.C.)—That is in British Columbia, you mean?

HON. MR. LOUGHEED—I will give every prominence to the suggestion made by the hon. gentleman. In British Columbia, in the forests of the Rocky Mountains and in the northern districts of the North-West Territories, there is enough timber within easy reach of railway communication to meet all demands. That of British Columbia is the most magnificent timber to be found on this continent. In the matter of minerals, it is considered by all that our mineral wealth is equal to that of the United States. In the North-West Territories alone we have a tract of land covering 300 miles in each direction, in which coal may be found cropping out at all points—coal enough to heat this continent for centuries to come, if only developed. Our mineral possessions in the precious and baser metals are of incalculable value, and only await the pick of the miner and the fire of the smelter. Now, just at this juncture I would anticipate an objection which is very often made by the peo-

ple of eastern Canada as to the expenditure of money in the North-West country. I know that there is a feeling prevalent among many in eastern Canada that they in times past have put their hands in their pockets and bought that country—paid for it, and paid for all improvements up to the present time, as well as for the administration of Government there. For that we in the North-West are profoundly thankful, we are profoundly grateful for the generosity of eastern Canada up to the present time. But I say that generosity should be carried infinitely further than it is. I say it is the duty of every loyal Canadian—live he as far east as Cape Breton—to do all he can for the purpose of developing this magnificent Dominion of ours, irrespective of the locality where the dollar is spent. If that country is developed every foot of land in Canada profits by it; but I would venture the opinion that that country already has paid for the vast expenditure which has been incurred in connection with it. In the first place, the acquisition of that Territory made Confederation possible as it stands to-day. True, you had a form of Confederation in 1868, but you had not then acquired in that scheme British Columbia, Manitoba and the North-West Territories. It was not then possible to link the northern half of this great continent by bands of steel from the Pacific to the Atlantic. I assert that the acquisition of that country—no matter what you paid for it—no matter what you are paying to-day for administration in it—has been already repaid long ago in making Confederation as it stands to-day the grand possibility which we have experienced. We contribute to the revenue the same as other citizens of Canada. We contribute the same amount *per capita*, as you do in the east.

HON. MR. McINNES (B.C.)—More; a great deal more.

HON. MR. LOUGHEED—I am putting it on the lowest basis.

HON. MR. McINNES (B.C.)—We pay nearly twice as much *per capita*.

HON. MR. LOUGHEED—I will leave my hon. friend from New Westminster to deal with the subject. If he can convince this House that we are paying five times as much it will make my case all the stronger. However, we pay as much at least *per capita* as you do in the eastern Provinces. We are, therefore, not relying upon the support of the eastern Provinces, but are contributing to the administration of Government the same as they do. A great deal is said in different quarters at the present time as to the exodus to Dakota and Minnesota, and other States of the neighboring Republic. I think it must be obvious to every hon. gentleman present that there is some reason for that statement, but in a qualified sense. But the reason for that exodus has not, up to the present time, been placed on the right shoulders. I do not say that any one Administration is responsible; but I deny the fact that the policy pursued by any Government up to the present time has been responsible for that fact, but it lies with the people of eastern Canada entirely. Public opinion up to the present time in the eastern Provinces has been asleep to this question. Your surplus population in eastern Canada in being crowded out naturally look for some country into which they can go, to gratify their love for enterprise and their ambition, and hence their reason for emigrating to the Western States, where they find a new country with a development amazingly rapid. They find half a million of emigrants pouring into that country every year. They find themselves close to large centres of population and trade. It is not that they take exception to the administration of the Government in this country, because I say under the heavens there is no freer or grander system of Government than we have here. It is not that they take exception to the policy of governmental administration in this country, but for the simple reason that they find there a new country opening up speedily, where enterprise is budding forth in an incomparable manner, and where they imagine they can rise to positions of affluence more quickly than here. If we expended the same money, energy and enterprise in opening up our North-West we would not have hundreds of thousands of Canadians to-day contributing to the commerce, enterprise and prosperity of the United States, and purchasing in the New England States those articles which to-day they should be purchasing from Ontario, Quebec and the Maritime Provinces of Canada. I say it is entirely

due to the lethargy of the people of eastern Canada in not adopting a policy of opening up the North-West, so that we should be placed in a position of equality with the Western States, which are being so rapidly developed. And, furthermore, if our National Police is to be the success which we contemplated it would be, and which I think it has proven itself to be, so much the greater reason for our developing that country and opening up new centres of trade, so much the greater reason for our bringing millions of settlers there, who would be consumers of our manufactures. The Argentine Republic is not a manufacturing State, but a large importer, and therefore there is not the same reason why that country should put forth such enterprise as there is in our case, inasmuch as Canada aspires to be a manufacturing and industrial country, and hence the greater reason why we should have population. I want to submit to the people of eastern Canada an investment. I put this scheme in the light of an investment. We do not ask for generosity in the matter; we simply ask the Government to enter on an investment in the matter of emigration. I find from Atkinson, one of the most prominent statisticians in the United States, and who was representative of the United States Government to the Bi-metallic Conference in Europe—he estimates that each adult settler coming into the country would be worth $2,000. I think very few will dispute Mr. Atkinson's ability as a statistician, and I find on enquiry from our own statistician, Mr. Johnston, that he agrees, to a very large extent, with the conclusion arrived at by Mr. Atkinson, but states we may safely put it down that to any Government in a new country every adult settler is worth $1,500. Taking this as the basis of calculation, the Dominion is justified in entering upon a large propaganda of immigration. I say that a settler has a standard value in the market, just the same as gold or silver, or wheat. He is a commercial commodity, and his value has been fixed quite as arbitrarily as any commercial commodity we have in trade. I find from statistics that each soul in Canada contributes $6.25 per head annually in taxation. Taking this into consideration, we have five millions of people here to-day, who contribute *per capita* $6.25 by way of taxation. If we had ten millions here to-morrow our taxation would be reduced by one-half, *plus* the extra cost of administering the Government of ten millions of people. Taxation would thus be almost reduced 50 per cent. I am not urging that we should adopt a system of immigration for the purpose of reducing taxation, for the taxation of to-day is not found to be burdensome; but I say we should direct or divert that increased contribution to taxation to pay for carrying on a system of immigration. There is no questioning the fact that the more people we have to tax the greater the revenue we have, and the less cost per head of taxation. Now, I suggest this: that to bring in 500,000 people from Europe to Manitoba and the North West Territories within the next two years, which would represent 100,000 families, we could obtain from the Imperial Government, I feel satisfied from the feeling as indicated in the report of the select committee from which I have just quoted, an advance of at least sixty millions of dollars on a guarantee from the Dominion Government. Taking the amount that the seventy-nine crofter families have cost, viz., £120 per family, for a guarantee of sixty millions of dollars, we could place half a million of people in our North-West —100,000 families of farmers getting 160 acres each family, starting them as the crofters have been started. Taking three adults to each family, we would thus have 300,000, worth, as estimated by statisticians, $1,500 per head, thus adding an asset to the Dominion of $450,000,000 for the liability of guarantee assumed by us. It may appear incredible when I give you those figures, but I have it on the best authority that adults in this country and in the United States are worth the figures I have given. Then, taking each family as having three adults to a family, at $1,500 dollars a head they are worth four hundred and fifty millions of dollars to the the country. If hon. gentlemen will read a treatise recently published by Atkinson on this subject, in which it is dealt with in the most exhaustive manner, they will doubtless be convinced from the facts and figures given there that settlers are worth the sum which I have mentioned. Now, this half million of people would pay an annual revenue to the country at $6.25 per head of $3,125,000. That is the extra revenue we would have from those people,

provided they paid the same *per capita* taxation as the rest of the people. This would pay the interest at 3 per cent. on the money advanced; and I find from the report of the select committee that money could be probably obtained in Great Britain at $2\frac{3}{4}$ per cent. I think it was agreed upon that if the British Columbia Government, in negotiating a scheme of this kind, would put the guarantee in a certain shape, that the money might be advanced at $2\frac{3}{4}$ per cent.

HON. MR. MCINNES (B.C.)—That is the crofters' scheme that you have reference to?

HON. MR. LOUGHEED—Yes; the crofters' scheme. I find that it would pay the interest on this advance of sixty millions of dollars, and would leave a balance of $1,325,000 per annum on account of a sinking fund, to apply on the principal of the guarantee, should the Government be called upon to pay any part of it. From the figures which I have given, the loss at the very utmost—I take the figures of eminent gentlemen of Great Britain, who are thoroughly versed on this subject—the Government would not at the outside lose more than one-half of the guarantee, and we would have a sinking fund of $1,325,000 per annum to cover any loss which might occur. But let me state another fact, that a system of colonization of this kind always carries with it its complement of emigration as distinguished from colonization That is to say, every family of colonists would induce an equal amount of emigration; you could bring out a family of emigrants at a very much less cost than a family of colonists. I find from the Blue Books that the immigrants brought out by the Dominion Government, up to this time, cost us in round figures $4 per head, so that if we brought out 100,000 farming families we might calculate that we could get 100,000 families of immigrants at the same rate we have been paying in the past, $4 a head. Now, these 100,000 families, five to a family, would be another half million of people, and they would contribute to the revenue at the same rate we are paying—$6.25 per head—and consequently three adults in each family being worth to the country $1,500 per head, we would find ourselves in possession of another asset of $450,000,000. Hon. gentlemen may smile; I even felt disposed myself to consider it somewhat incredible when I first read of it; but by a perusal of the figures of eminent statisticians it can be proved beyond peradventure. This is the philosophy introduced into this question of immigration in the Argentine Republic and elsewhere. The Argentine Republic has been conducting its policy of immigration based upon the principles of this method, and which will be found seggested in the correspondence upon the question of Argentine immigration. They estimate that each adult is worth so much to the country; they argue that each adult contributes so much per head to the revenue of the country, and that therefore upon this conclusion feel themselves justified in carrying out the scheme of immigration to which I have alluded. Now, I submit to hon. gentlemen that this is the great solution of the various public questions which are pressing themselves on the public mind to-day in Canada, and which are demanding a considerable amount of attention—namely, the questions which tend to our national future. The great question with which we are dealing to day is how shall Canada make herself great and important, and how shall we attain that position of significance among other nations commensurate with the natrual advantages which we possess. We find the public mind agitated on this question. It will be conceded that abroad in Canada to-day there is a restless feeling as to what our future shall be—Imperial Federation, independence or political union with the United States; these have their advocates and their followers, and are beginning to loom up in the political horizon, and must at an early date receive the attention of Parliament. But, hon. gentlemen, do you suppose for a moment that if we had five millions of settlers upon these western plains there would be any uncertain sound throughout the Dominion to-day as to what our national future would be? Do you suppose if we had as many people in that western country as there are in eastern Canada to-day that there would be any doubt as to our future being an uncertain quantity? Would Canadians then think of any political system or scheme other than building up on the northern half of this mighty continent a Canadian nation worthy of the great races from whose

loins we have sprung? I say until such a scheme or system as I have intimated is carried out by this Dominion that this retless feeling will continue to prevail, which will not be quieted, but upon the adoption of such a scheme as that to which I have directed your attention, the pulse of Canada will beat with new vitality—with the hope borne of future greatness, and with an impulse quickened by the possibilities that await us. Those Canadian statesmen who acquired for this Dominion that vast tract of country in 1869 manifested then a sagacity worthy of the highest and wisest statesmanship of this 19th century. They then saw eastern Canada lying alongside of a great nation south of us, whose march of progress in its leaps and bounds are without parallel in any age; they then saw that if we required to maintain our national life we required the acquisition of conditions that would be equal, as far as possible, to the conditions of the nation south of us. By the development of the great plains of the North-West those conditions alone were to be obtained. Here was a tract of land as large as Europe, as rich in its soil as any garden lands on the continent, as wealthy in natural resources as could be possessed by any people. Here, lying dormant, ready to be called into life at the bidding of national enterprise, was to be found every condition to make a wealthy and a prosperous nation. This was what was handed down to us by the statesmen of 1869, and with wise forecast they could see that vast country being developed by Canadian enterprise, and the foundation of a great nation being laid on those fertile western plains. To-day, we have that vast country connected by means of a trans-continental highway with both oceans, and I say the time has now arrived when Canadian enterprise should put forth its right arm and direct the surplus millions of Europe towards settling on the virgin soil of those great prairies. I am proud to say that there are to-day at the helm of state men who helped to acquire for this country those magnificent western possessions. I cannot conceive any nobler ambition for those statesmen than, by the introduction of such a policy as I have endeavored weakly to outline, to have the satisfaction of saying, in the noon-day of their political life, they acquired that vast country, unequalled in geographical extent and agricultural fertility upon this continent; they acquired a boundless plain with scarcely a vestige of civilization upon its face, and now, in the eventide of their political life, by wise and progressive statesmanship, they behold it the adopted country of millions of settlers, the home of advanced civilization, and the seat of the future hope and inspiration of Canada's prosperity and greatness. In conclusion, hon. gentlemen, I beg to ask the question placed upon the Notice Paper, as to what is the intention of the Government?

HON. MR. SCOTT—The hon. gentleman has given an extremely interesting speech, a very eloquent one, I may say, but he has propounded some extraordinary theories on this question of immigration. The hon. gentleman commenced by telling us that he found great fault with the laxity and indifference—those were the words he used—in the older Provinces, in their treatment of the North-West. I think that charge was a most ungrateful one. It is a charge, that in my judgment, is wholly unfounded. Certainly he cannot point to any other country on the face of the globe, under similar conditions as Canada, that is as liberal, and that has incurrred as large an expenditure in the opening up of a new country as can be shown towards the development of the North-West by the older Provinces of the Dominion. In the last twenty-five years we have spent certainly over $100,000,000 in that country towards its growth and development, and assisting immigration that we expected would flow in there. We have extinguished the Indian title, and have made it possible for new settlers to live in that country, being a marked contrast with the condition of affairs on the other side of the line, where, during that interval, fierce struggles have prevailed between the pioneers of settlement and the various Indian tribes whose hunting grounds and reserves were being encroached upon. We keep up a force, at considerable expense, of one thousand mounted police, in order to protect the settlers and to maintain order in that country, and to preserve the settlers in earlier days from the encroachments of the Indians. We have distributed seed-grain in the North-West when the settlers' crops had failed, and we have in a variety of ways I need not now allude to, aided the

settlement of that country in a manner that is wholly unprecedented. If we examine into the history of this Dominion, and enquire what aid the settlers of Ontario had—and I suppose the same thing would apply to the other Provinces of the Dominion—it will be found that the assistance given to the settlers of the North-West has been altogether out of proportion to the assistance given to the settlers in the early history of the other Provinces of Canada. In fact, the North-West has been a sort of favored country. We have been appealed to from time to time in a variety of ways to assist the North-West, and those appeals have always been listened to. The hon. gentleman has propounded the idea that by availing ourselves of a certain sum of money we can pick up a population in the British Islands and transplant them to the North-West—to the Garden of Eden he has pictured there. I do not recognise the practicability of such a proposition. He talks of 100,000 families as he would talk of 100,000 cattle. He talks of transplanting those people from the land of their birth, whether they like it or not, wholly ignoring the fact that many of them decline expatriation—that many of them, if they do leave their own land, prefer to go to countries more in sympathy with their feelings and associations. Those who have friends in Australia prefer to go there; those who have friends in the United States prefer going there; those who have friends in Canada will probably prefer coming here: but my experience is that it is only the successful settler who is the successful immigration agent. The experience of the last twenty-five years in this and other colonies will bear out my statement. The only successful immigration scheme is the successful settler. Wherever a man is successful in a new land he communicates with his friends at home, and his letters are regarded as a much higher authority than the represtatations of agents or lecturers or the pamphlets circulated by thousands by the Immigration Department, which have no weight or influence whatever. The hon. gentleman has lamented that in Ireland, where emigration has been so large, so small a proportion of them has come to Canada. My hon. friend seems to ignore the history of Ireland; he seems to have forgotten what the causes are which have prevented Irishmen from making Canada their home. I think he said there were 70,000 emigrants left the shores of Ireland for the North American continent last year, and that 57,000 of those went to the United States, and the balance to Canada. Anyone reading the history of the last fifty years knows how difficult it is to induce Irishmen to come to Canada. The reasons are patent to everyone, and I need not advert to them on this occasion. It all goes to show, however, how utterly impossible it is, no matter what amount of money you expend, to induce people to come to a country to which they do not desire to come—not that the condition of affairs in Canada leads to any such result, but the old antipathy that prevails is enough to prevent Irish emigrants from coming to the shores of a British colony. It is not the Irish alone, but the English and Scotch are going to the United States in much larger proportions than to Canada. I lay down the principle that you cannot force immigration into particular channels—more particularly on this continent. Even if you do bring out a body of people and place them in the North-West, within a year they will move off to the United States if they do not like Canada, the facilities for moving backwards and forwards are so great. I venture to say that there are thousands and thousands of people now settled in Illinois, Michigan, Wisconsin and other States of the Union who have been assisted to immigrate to Canada from Great Britain and Ireland, who have gone bodily out of this country, and the money expended on assisting them has been lost to our people. In proof of this, I take the figures from our own Blue Books, and the Blue Books of the United States, showing the proportion of people that left Europe and settled in Canada and the neighboring Republic. The conditions of things in the United States and in Canada are sufficiently alike to enable us to make a careful comparison, and I think these figures will prove that the large sums of money expended by the Government have been perfectly futile to divert immigration to this country. The hon. gentleman said that the United States, and even the individual States of the Union, had done more to promote immigration to that country than we had done in Canada. I have heard for the first time that the United States have given any money to induce immigration. I was under the impression that they did not do it—that, on

the contrary, of recent years they have been adopting prohibition in that direction, and that there is some difficulty in immigrants getting into the United States; that they are sending people away from their shores, because they do not want them when they are not a superior class. More particularly is that the case since the law with regard to foreign labor has been adopted. It is quite a notorious fact—we see it day by day—that people are sent away from the United States because their coming there has been an infringement on the Alien Labor Law. The following is the table showing the proportion of immigration into Canada and the United States respectively, and the comparative cost:

Years.	United States.	Canada.	Proportion.	Total Expenditure.	British Agencies	North-West Agencies.
				$	$	$
1875...	227,000	27,000	1/8	.....	.....	.....
1876...	169,000	25,000	1/7	.....	.....	.....
1877...	141,000	27,000	1/5	103,000	64,000	7,000
1878...	138,000	29,000	1/5	185,000	49,000	8,000
1879...	177,000	40,000	1/4	176,000	29,000	7,000
1880...	457,000	38,000	1/12	181,000	23,000	6,000
1881...	609,000	47,000	1/13	206,000	22,000	6,000
1882...	788,000	112,000	1/7	346,000	36,000	16,000
1883...	603,000	133,000	1/5	420,000	54,000	19,000
1884...	518,000	103,000	1/5	431,000	61,000	18,000
1885...	395,000	79,000	1/5	310,000	65,000	15,000
1886...	331,000	69,000	1/5	301,000	61,000	16,000
1887...	490,000	84,000	1/6	313,000	57,000	23,000
1888...	.....	88,000	....	183,000	54,000	20,000

The causes of immigration from the old world to the new are entirely beyond our control; money has nothing to do with it. The exodus there is promoted by causes entirely beyond our control. We have nothing to do with it. In Russia and Austria the conscription largely influences it. Good times in Canada or the United States is a moving impulse that induces people to abandon their holdings in the old world to come to the new. It will be seen from the table I have submitted showing the immigration into the United States and Canada since 1876 that we just get our regular proportion, whether the number runs up to 500,000, or is as low as 150,000, which shows that the successful emigration agent is the prosperous member of the family who is in the new world. He writes home and tells his people that the times are improving, and that it is a good period to emigrate to America. If he lives in the United States he advises his friends to come there; if he lives in Canadahe advises them to come here. It is on that principle immigration is influenced, and the money we have been paying out year by year has been thrown away, so far as having any influence on the immigration from Europe into this country. In the years 1876 and 1877 immigration fell off in the United States almost to nothing. There was a larger emigration from the United States, strange to say, in one of those years—I think it was in 1877—than the immigration into the country. It is the only instance from the earliest period in the history of the United States when that extraordinary event took place. It will be seen that in the year 1876 only 169,000 immigrants came into the United States and 25,000 came to Canada. Our proportion was one-seventh of the whole. By comparing the tables it will be seen, taking one year with another, that our proportion is about one-fifth. In 1879 the proportion was increased in the United States, because times improved in that country before they did in Canada; it is quite evident that such was the case, for these figures confirm what has been so often asserted in that respect. In 1879 the immigration increased in the United States to 177,000,and in Canada it ran up to 40,000. In 1880 the number had jumped from 177,000 to 457,000 in the United States and it had fallen off to 38,000 in Canada. Our proportion that year was one-twelfth. But hon. gentlemen will remember that the years 1880, 1881, 1882 and 1883 were what are called booming years in the United States. In 1880 the influence of the improved condition of things in the United States had not re-acted on Canada, though I have always maintained that the United States is simply the barometer of Canada in what are called good or bad times. We had not felt the good effects of it then; we only got one-twelfth of the whole immigration to this continent that year. In 1881 the number of immigrants to the United States rose to 609,000, and ours to 47,000. In 1882 their number still went up, and ours also rose to 112,000. For subsequent years our proportion has been about one-fifth. If hon. gentlemen will examine the statement closely they will find that the expenditure that we made to

induce immigration to Canada did not in any way bear upon the proportion of the people who came to this country. In 1879 we spent $176,000 only, yet we got one-fourth of the whole immigration that year. That was our highest immigration, yet it was in the year in which we spent the least money. In 1881 our expenditure was $206,000 and we got only one-thirteenth of the immigrants. In 1882 our expenditure was $346,000, for which we got only one-seventh of the immigrants. In 1883 our expenditure was $420,000, for which we got one-fifth of the immigrants. In 1885 we spent only $310,000, and got 70,000 immigrants. The diminution in expenditure there is due to the fact that assisted passages had to be deducted, so that it will be seen that the money we spent did not seem to affect in any way the proportion of immigrants we got. In 1885 we spent $310,000, and got one-fifth of the immigration; and so on, until 1888, when we dropped the assisted passages, feeling that we were not getting the benefit of it; and in so doing I think the Government acted very wisely—so that the expenditure that year fell to $183,000, while we received actually more immigrants, because we got 88,000 that year, some 4,000 more than we had received the previous year, when we spent $313,000.

HON. MR. KAULBACH—The prospective change of Government no doubt had its effect.

HON. MR. SCOTT—I am sorry to say that there was none—no prospects at all of it. The people who had been duped by the National Policy had not had their eyes opened then. They will next election, though. We have spent large amounts of money in the British agencies, and the amounts spent there have been pretty much the same each year, whether we got more or less immigrants. The only way I can account for the reduction in the expenditure noticed in 1879 is, I fancy it was the change of Government, and there was a sweep of immigration agents, and the new ones had not been appointed. That is the only way I can explain the change, for I see it is again up to the normal figure.

HON. MR. POWER—It may have been because a High Commissioner was substituted for the Canadian Commissioner.

HON. MR. SCOTT—I find that so far as the North-West is concerned we have been pretty liberal in the North-West agencies, which I assume were organized for the purpose of more particularly directing the tide of immigration into that country. We commenced in 1877 with an expenditure of $7,000 a year for what are called North-West agencies, and I find they have steadily crept up until in 1888 they reached $20,000. It would not appear from this statement that we are neglecting the North-West Territories, because we are expending more in the agencies than we are in any other part of the Dominion? Therefore, I cannot agree with the theory laid down by my hon. friend (it was a very pretty one, no doubt) that money could accomplish so much, but I think the experience of any gentleman who reflects on the subject, and reads the history of the country aright, will find that it is utterly impossible by money alone to affect a change of population from one country to another.

HON. MR. POWER—Has my hon. friend added up the total number of emigrants who came into Canada during those years?

HON. MR. SCOTT—No; I have not the total number.

HON. MR. POWER—I see that 133,000 came to Canada in 1883. I was going to ask my hon. friend if he has any idea how many of those remained in the country?

HON. MR. SCOTT—I have no idea. I am speaking only of those who came to Canada, who are claimed in the immigration returns. That opens up a broad question. Of course, I am not going to enter into it now. My own experience has led me to the conclusion that these people come and go, that if an emigrant has been assisted out to Windsor he is quite likely to step over to Detroit, and if he is carried to Port Huron he is just as likely to cross over to Michigan. We have realized that there are losses of that kind. We receive some from the United States, but I do not think the proportion is at all equivalent to that of the departures from Canada. The hon. gentleman admits that there has been a large emigration from this country. Those people must have known that there was a Garden of Eden in our North-West that offered the best of homes to the settler, yet they persisted in

going to the Eastern States. The hon. gentleman could not understand the cause of their preference. I am not going to enter into the reasons why. He says they do not appreciate the National Policy; I think they do appreciate it, and they have left the country to better their fortunes. They certainly would not have torn up their household gods and gone to another country, unless there was a strong and urgent reason for making the change. It is not necessary to analyze that reason: it leads to another subject, but there is the patent fact, that they did not go there because they believed they would be poorer. They went there because they knew that they were going to be better off. On looking into the figures I am rather startled at the vast number of British subjects who seem to prefer the United States. If it goes on much longer there will be a fusion between Great Britain and the United States. I suppose there are to-day in the United States some six or seven millions of persons who were British subjects. Many of them have become naturalized citizens of the Republic, but no doubt a great many of them have never taken the oath of allegiance. I am including in this estimate the Irish, because they form a majority of these people. There are nearly as many of the Irish people in the United States as there are in Ireland. It is claimed that there are over a million Canadians in the United States. My impression is that the estimate is short of the real number. That is one reason, and a very strong one, why we should have better relations with the neighboring country. The hon. gentleman from Calgary made a great mistake when he said that there is any party in Canada that desires a political union with the Republic I have yet to learn that any considerable number of our people have any such desire. I can count on my fingers the number of persons that I know who look forward to any such change, but there are very many who desire closer commercial relations with the United States, and their desire will be gratified before many years. In that they follow simply in the wake of the mother country, which has the freest trade, on her part, at all events, with the United States. And she has illustrated the wisdom of it by the marked success that has attended her trade with that country, because to-day it is larger than the trade with any other country, save, perhaps, India, and larger on the other side, with England, than with any other nation. The figures prove that conclusively, and they prove, moreover, that it is a growing trade, and therefore this bugbear that is perpetually brought under our notice, this dread of bringing about closer political relations with the United States, has no foundation in fact. If we want to build up a great nation here we must have free trade with the United States; otherwise, you will depopulate this country. An effort should be made to bring back the people who have gone to the United States. They did not go there because the land is better. We have in Ontario a finer country than any State in the Union.

HON. MR. McCALLUM—And the people are better off.

HON. MR. SCOTT—Perhaps they are; but they want to be still better off, as they would be if they had free trade with the United States. However, that is a very broad subject. I have only referred to it incidentally, because the hon. gentleman from Calgary, in expatiating on—I will not say exaggerating—the attractions of the North-West, took occasion to say that it was the only way to meet the aspirations of a political party in Canada that desired closer politicial relations with the United States. I say there is no party in Canada that has any such desire, because we feel that our system of government is infinitely superior to the . We have no doubt corruption on our side, but they have it to a far greater extent. They are a larger country and possess greater accumulated wealth. I do not propose to further follow the argument of the hon. gentleman in reference to the reports that he read to us of opinions expressed on this subject in the House of Commons with regard to colonization companies. I say they are utterly impracticable, and this Government or any other Government would be mad to entertain them at any time. It would be an utter waste of money. A number of charitable, benevolent people took up this crofter question. They did so because of the cruel treatment to which the crofters were subjected by the landlords. It was because the landlord was narrowing the crofter's holding, depriving him of the privileges that he and his forefathers had enjoyed—converting the

lands where his sheep had pastured into a deer park. It was because all this was creating a great scandal throughout the British Empire that a few benevolent people took up the question of transferring the crofters to the Canadian North-West. The number of crofters is small, but I have no doubt it will be a happy change for them, and the success which will reward their efforts in that country will be the means of bringing out a considerable number of them, not by means of Government assistance, because, as I see by a copy of the *Mail*, an English paper of 21st February, that has just now been handed to me, it is proposed by the Lord Advocate of Scotland not to continue this grant to the crofters. In the Imperial Parliament the Lord Advocate was asked if it was proposed to send out any more crofter families this spring to western Canada. The Lord Advocate replied:

"I am informed that a report has been received which will be submitted to an early meeting of the Colonization Board, the general purport of which is that the families are comfortably housed and have more or less land ready for crop. A small balance of the money voted last session remains unexpended, but until the accounts are fully made up it is impossible to say what it amounts to. It is not proposed to send out any more families this spring, and no steps in this direction will be taken until the committee appointed to enquire into the State-aided emigration have issued their report."

In special cases of that kind State aid may be of very considerable benefit; and I will give hon. gentleman another illustration where such aid has been of very considerable service. About 1876 a body of Icelanders, driven from their country by the ice accumulating on the coasts of the island, found their way into Ontario. They were in great want, and the Government of the day transported them to the North-West. The people were entirely out of money. They had nothing to keep them from starvation. The Government of the day, the Mackenzie Administration, thought it might be the nucleus of a future settlement, and so they were planted on the shore of Lake Winnipeg. The settlement was for two or three years extremely unfortunate. It will be recollected that in regard to this matter the small-pox attacked them and decimated the colony. Lord Dufferin, who knew something about Iceland, took some interest in them, and used his influence with the Government in endeavoring to assist them, and so they were assisted for a year or two longer. The consequence has been, no doubt, that their reports to their friends at home have brought out a great many more Icelanders year by year; the colony is increasing to such an extent that new colonies are being formed in the country, but it is not the Government of Canada that is bringing them out. It is the success of those Icelanders who are settled in the country. Their glowing reports to their friends at home, and the money they send back, have been the means of bringing more Icelanders to settle in the North-West. It is another illustration of the way in which immigration can be carried out. A colony that is once successful enlarges simply by the communications between the successful colonists and their friends abroad. In ignoring the principle of colonization upon a general scale, I do not for a moment contend that there may not be individual circumstances that would warrant a Government assisting a special colony, such as the Mennonites. It was known that the Mennonites were going to leave Russia. They objected to conscription; they did not want to serve in a possible war and the proposition was made to the Government of this country to aid them. That aid was advanced, and, no doubt, has been a success. I do not know if the loan has been repaid; but apart from their expenses a very considerable sum of money was given them, in order to place them on a good footing in the North West, and they were charged 5 or 6 per cent. on the money advanced. Whether they have repaid that loan or not I cannot say. People who have made up their minds to move, but are uncertain whether they are going to settle in one part of the globe or another, it may be wise to assist. But to say that you are going to England, Ireland or Scotland and gather a number of people, and say to them: "We want you to come out and settle in the North-West, and we will pay your expenses travelling there," I maintain is utterly futile, unless there are some other inducements than the mere money consideration you propose to offer.

HON. MR. ABBOTT—I am very glad that my hon. friend from Ottawa abstained from entering into those side questions which were alluded to, naturally enough, but which would only have provoked a discussion of a week or two without pro-

ducing any practical result. I must say I deprecate the continuance of this practice that has prevailed in the Senate for some time, of having long debates without any substantive motion, or any possible result to be derived from them. I might be allowed, perhaps, to express the amusement that I feel at any hon. friend's comparing the project of commercial union, or unrestricted reciprocity, which he and his friends are urging upon the country, with what England is doing towards the United States. Their proposal is to have free trade with the United States, it is true, but not free trade with any other country. The proposal to us involves, as has been shown on other occasions, to my satisfaction, but perhaps not to my hon. friend's, that in order to carry out the scheme we should have to place our commercial and financial system entirely under the control of the United States.

HON. MR. SCOTT—Oh, no; that has never been urged.

HON. MR. ABBOTT—I do not ask my hon. friend to agree with me, but I say it is contended by myself and a great many others that that is the proposition. But if it is so, and I think it is so, we are just in this different position from England—that England throws open her markets to the whole world; she trades with every country on the same conditions, while we should be keeping our markets closed to the world, as far as duties can close them, and have free trade with the United States alone. That is the striking difference between the position of England and that of the United States. In answer to my hon. friend, whose speech I listened to with great attention, and with whom I largely sympathise, I have to say, at present the subject of any further assistance or any further steps to promote immigration, beyond the provision of ample facilities at low rates for access to the North-West and the provision for granting tracts of land to those who go there, is under the consideration of the Government; but no such scheme has yet been decided upon.

DISCLOSURE OF OFFICIAL INFORMATION BILL.

THIRD READING.

The Order of the Day being called,—Third reading of Bill (T) "An Act to prevent the disclosure of Official Documents and Information."

HON. MR. ABBOTT—I have conferred with my colleague on the subject of the penalty to be imposed for infringement of this Act. I have satisfied myself that it is our undoubted privilege to insert in the Bill any provision creating an offence intended to prevent or punish the commission of that offence. There can be no question on that subject. I therefore purpose to fill up the two blanks, the one in the first section and the other in the second section, with the words "one hundred dollars." That is the maximum; the minimum is left to the discretion of the judge. I move that the Bill be not now read the third time, but that it be amended in the manner I have proposed.

The motion was agreed to.

HON. MR. ABBOTT moved the third reading of the Bill, as amended.

HON. MR. POWER moved in amendment, that the Bill be not now read the third time, but that it be amended by striking out of the first clause the paragraph marked "*i i i.*" He said: That is the paragraph which makes it a misdemeanor for anyone to take a sketch or a photograph from the outside of a martello tower or fortification. I think that is carrying the thing too far. I do not mean to say that they may not go as far in other countries, but that is no reason why we should do likewise. There is no important secret that is likely to be divulged to any foreign prince, potentate, or power by taking a picture that way.

HON. MR. MILLER—I cannot agree with the hon. member from Halifax. In the first place, at the outset, that clause enacts that a party must "wrongfully" be doing this. Now, that is a sufficient protection. Unless the party is clearly shown to be wrongfully doing the act he cannot be punished. There is no difficulty, I presume, in getting permission to take these sketches, if the proper course is taken, and if there is no suspicion attaching to the person making the application. I think it is proper that there should be such a restriction. I think it is very important that the enemy should not get sketches or photographs of our fortifications. In some instances the restriction may appear to be

unreasonable, but we cannot legislate for exceptional cases: we must enact a general law. The Bill has been framed with a good deal of care. It is necessarily verbose to meet the object intended, and the fact that it is based on an Act of the Imperial Parliament ought to be no small recommendation in our eyes, because we know what attention is given to these matters in England. I think it would be unfortunate, and would greatly deteriorate the value of the Bill, if such an amendment were accepted.

HON. MR. KAULBACH—If the amendment is adopted it will practically render the Bill inoperative. There is no intention to punish a tourist who makes a sketch of a fortification, and it must be borne in mind that the onus rests on the prosecutor to show that the sketch is taken for a wrongful purpose.

HON. MR. ABBOTT—I do not know that I can add anything to what my hon. friend from Richmond has said with respect to this motion. The first paragraph of the clause appears to me to guard most carefully the artist who takes a sketch of a fortification for amusement, because it says distinctly that he is only guilty if he wrongfully obtains information. My hon. friend must remember that information of this description in a crisis is really of great importance to an attacking party. My hon. friend will remember that in the invasion of France by the Germans some years ago their extraordinary success was considered at the time, and was, really, largely due to the amount of information they had about every road, every local fortification or place of strength in the country. At the headquarters of the German staff they had drawings of every road and fortified place ample to guide them in their attack. It is to prevent an injury of that description that this Bill is introduced. This clause is an exact copy of a section of the English Act, and we have received a pressing despatch from the British Government asking us to take efficient steps in the direction indicated in this Bill. I think, therefore, that my hon. friend ought not to press his amendment, or, at least, I hope the House will allow this clause to stand part of the Bill.

The amendment was declared lost, on a division.

The Bill was then read the third time, and passed.

MARRIAGE WITH A DECEASED WIFE'S SISTER ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committe of the Whole on Bill (H) "An Act to amend 'An Act concerning Marriage with a Deceased Wife's Sister.'"

(In the Committee.)

On the 1st clause—

HON. MR. POWER moved to leave out "daughter" and insert "neice," and leave out "wife's sister" and insert "wife." He said: There is no reason why a man may not marry the daughter of his deceased wife's brother as well as the daughter of his deceased wife's sister.

HON. MR. KAULBACH—I do not approve of that.

HON. MR. MILLER—There is a decided objection.

HON. MR. POWER—Since we have decided that a man may marry his deceased wife's sister, I can see no reason why a man should not be allowed to marry the neice of his deceased wife, whether the neice is the daughter of a deceased wife's sister or brother. There is no relationship by consanguinity at all; it is only by affinity. I do not propose to interfere with the principle, which is of some consequence, prohibiting the marriage of a woman to her deceased husband's brother.

HON. MR. KAULBACH—The hon. gentleman should have given notice of his amendment, so that we could thoroughly understand what he desires to accomplish.

HON. MR. ABBOTT—I am opposed to the principle altogether. I do not approve of marriage with a deceased wife's sister, and I am against extending the principle. I would suggest that the further consideration of the Bill be postponed until to-morrow.

HON. MR. KAULBACH moved that the committee rise and report progress.

The motion was agreed to.

HON. MR. LEWIN, from the committee, reported that they had made some progress with the Bill.

SECOND READINGS.

Bill (88) "An Act to incorporate the North Canadian Atlantic Railway and Steamship Company." (Mr. Bolduc.)

Bill (60) "An Act to incorporate the Rainy River Boom Company." (Mr. MacInnes.)

CALGARY WATER POWER CO'.S BILL.

OND READING.

HON. MR. LOUGHEED moved the second reading of Bill (75) "An Act respecting the Calgary Water Power Company, Limited."

HON. MR POWER—Unless I am mistaken, this Bill is opposed by the people of Calgary. In that case, the Bill had better stand over until to-morrow.

HON. MR. LOUGHEED—This company has already been incorporated by the North-West Council. We come here for the purpose of having the charter confirmed. The opposition to which the hon. member from Halifax refers is not to this Bill, but to another one. The people of Calgary have no reason to oppose this measure.

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

BILL INTRODUCED.

Bill (82) "An Act to confirm an Agreement between the Montreal and Western Railway Company and the Canadian Pacific Railway Company." (Mr. Bolduc.)

The Senate adjourned at 6:10 p. m.

THE SENATE.

Ottawa, Thursday, March 13th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

IMPERIAL FEDERATION.

MOTION.

HON. MR. BOULTON moved—

That in the opinion of this House, the time has arrived when Canada might be accorded a measure of representation in the Imperial Parliament, by giving to the Government of the Dominion of Canada, and to the Government of each Province in the Dominion, the appointment of a representative holding a seat in the Imperial House of Commons, the representative of the Government of the Dominion also holding a seat in the Imperial Privy Council, the privileges of such representatives being limited to the discharge of and voting upon such questions as may affect Canadian interests. That this resolution be transmitted to His Excellency the Governor General in Council, for such constitutional action as he may deem it advisable to take in the interests of the country.

He said: In bringing this resolution before this honorable House for debate, I feel that a degree of responsibility attaches to it that does not attach to ordinary resolutions, because it is dealing with a question which involves issues beyond the precincts of this House and beyond the precincts of this country—not only the destinies of a country but the destinies of an Empire are contained in the principles it involves. My object in bringing this resolution forward was to supplement the resolution that was passed by the honorable House of Commons, expressing the loyalty and devotion of the Canadian people to the British Crown and to the person of Her Most Gracious Majesty. While I believe that that resolution expressed the unanimous sentiments and feelings of the people of Canada, it is open to misinterpretation; it might be considered the expression of affection and regard that a daughter would write to her parent on the eve of receiving the attentions of a suitor, or it might be the expressions of fidelity and devotion that are sometimes made and sometimes broken; but when a pure-minded maiden (if I might be pardoned for using the popular symbol generally applied to our fair country), when a pure-minded maiden gives her hand with her heart, there is then no room for the misinterpretation of the sentiment she expresses or the duration of the bond it implies. In addition, hon. gentlemen, it cannot be denied that the destiny of Canada is viewed from a number of standpoints. Imperial Federation is advocated; we have Annexation discussed; Independence is discussed; the development of a French nationality is mooted; and the suggestion has been thrown out looking to the establishment of a western Dominion in our broad prairie country. It is a misfortune when the minds of a population are drawn from centreing their energies upon those subjects that are conducive to the material welfare of the people, to abstract questions concerning their political future. I believe that we have a destiny to fulfil on this continent, in the interest of the world, and that is, that we shall form the link that will ultimately unite the forces of civilization of the British

Empire to the forces of the great American civilization which has been established upon this continent by the genius of the British race; and when I speak of the British race, I do not exclude our compatriots from the Province of Quebec. On the contrary, they have for upwards of a century been inspired with the principles of the British constitution; they have imbibed the same patriotic sentiments that beats in the heart of every Canadian, and they are in every sense part of the British race to-day, retaining a memento of their ancestry in the language they have preserved. While, however, we may conceive that we have a destiny to fulfil, we have also a duty to perform, and that is to do our share towards preserving intact and undiminished the integrity and the lustre of the British Empire. When we realize what that Empire has grown to, the influence that it has exercised upon the civilization of the world, the wisdom that has guided its rulers (except, perhaps, in one fatal instance), and the glory that is yet in store for its ever-increasing power, it makes us feel that we have a duty to perform, as I have said before, in taking our part in maintaining it. We have already done a large share in developing this fair country; the physical endurance, industry and capacity of our forefathers hewed out of the forest and brought into cultivation the smiling fields that now form part of the wealth of the Empire, as their sons now form part of its strength. We have built up a hardy population, reared in morality and intellectuality and although we have made advances, we are yet only on the threshold of our development, so far as the extent and resources of our country are concerned. We have in the Maritime Provinces coal and iron side by side as accessible and as plentiful for the trade of the world as they are on the British isles. We have in the Provinces of Ontario and Quebec agricultural resources and manufacturing power that can not be excelled. In the West we have a great wheat field that can produce wheat which possesses 10 per cent. more baking value than any other. In British Columbia we have again coal and iron, all added to our great natural wealth of timber, and fish and minerals. These resources are paralleled on the south by the greatest system of inland navigation the world has ever seen, and the Hudson Bay on the north, both of which penetrate the interior of the continent.

To preserve those resources for the benefit of our own people, or for those who cast in their lot with us, is a duty we owe to ourselves, and to turn the minds of our people into what I might term a legitimate train of thought, so far as our political future is concerned, is a duty which we, occupying the position we do in this honorable House, owe to the people of Canada.

Although I will allow that annexation rarely finds expression in the sentiment of the people, yet there is no doubt that the attractions of that great country to the south are a constant menace to the integrity of our country and its national unity; and we may fairly ask ourselves the question—whether it is better to preserve our national unity as an independent State of the Empire, with our capital in Canada, or to run the risk some day of dividing our country into a number of States, with their capital at Washington, thus losing our cohesive force between the Atlantic and Pacific, and abandoning a birthright which we have inherited and have preserved.

There is no doubt there are people in England who would be pleased to see Canada become part of the United States, in order that no danger might arise which would interfere with the interests of British capital that is so largely centred there. On the other hand, there are people in the United States who would as little like to see the power of the British Empire weakened by the isolation of Canada from it, because they realise that the power of the British Empire will be exercised in the promotion of the welfare of the world's citizens, irrespective of nationality. The same arguments will apply with equal force in regard to independence, and I believe that our circumstances are such that we could not resist the gravitating forces to the south if we had no other sentiment than Canadian nationality to support us. Even suppose we succeeded in maintaining our independence, when we look upon the status of the northern countries of Europe we cannot fail to realise that our position as an integral part of the British Empire is a prouder one and gives greater scope for individual effort than to struggle under the financial burden of an independent State within our own borders.

Take our Princess of Wales—her beauty, her virtues, her graces are Denmark's, but her glories are due to the fact that she will be Britain's Queen and Empress of the greater Britain which we have helped to create, and in our humble capacity we as British subjects and Canadian citizens share those glories with her.

In regard to a distinct French nationality, even allowing for one moment that the French Canadians were a unit in falling back upon the nationality of their ancestry, which we have the best public evidences that they are not, or that it even finds a place in their public policy—but allowing for one moment that they were a unit, what would be the effect should they be successful in developing such a policy? It would be a nationality without influence and without aim or object on this continent. No; we were born together and bred together on the same soil, and we must work together for the national good, and go hand in hand for the good of the Empire that has a noble destiny yet to fulfil in the world's history. We should realize the larger field that is open to Canadians through their position in the British Empire. Look at the marvellous manner in which Scotchmen and Irishmen have penetrated every corner of the world, meeting with success everywhere. Though only a small population in themselves, do they not owe their success to the avenues of the British Empire which have been thrown open to them and which they have helped to create. Englishmen have also appreciated at their full value the co-operation of the talent and labor of the sister kingdoms. The same avenues are open to Canadians, and we have already reason to be proud of the success of many of our countrymen in the larger sphere of the Empire which our connection with it has thrown open to them.

The request for representation in the Imperial Parliament does not in any sense restrict our independence or create an irksome bond. It assures us of as great independence as any part of the British Empire enjoys, and a greater measure of independence than we at present enjoy, because it would give us a voice in directing our destinies, so far as they are controlled by the Imperial Parliament. This has been an age of federation. We have seen several examples during the present generation, the most notable of which has been the federation of the German Empire, which has created a power that is a guarantee of greater liberty to the German subject; and Switzerland also.

Australia is about to form a nation, and is likely to copy our formula as propounded in the work carefully prepared upon our constitution by one of our eminent writers, Dr. Bourinot. Canada has led the way in developing national unity within the Empire, and in doing so has been eminently successful, and has advanced so far on the path of national development that a vigorous national life desires to find some expansion as an outlet for its vigor—an aspiration that finds its existence for a more distinct automony. To meet that aspiration the sentiment has been pretty well expressed throughout Canada that a closer union of the colonies with the mother country is desirable. No practical idea has yet been put forth by any reponsible body having that object in view; but it is fair for us to ask ourselves: Has the time not arrived when we might seek to establish closer relations, somewhat on the basis I have laid down in the resolution now before this honorable House? In this resolution we ask that a measure of representation might be accorded to Canada in the deliberations of the Imperial Parliament, limited to the discussion of questions which affect Canadian interests alone. It would be improper for us to seek to take part in all the deliberations of the Imperal Parliament, because, until we are prepared to bear a full share of the financial burden of governing the Empire, we cannot seek the full measure of representation involved in the discussion of all questions; but we are at liberty to discuss whether the time has arrived and whether it would be to the interests of Canada to have the opportunity of expressing the public opinion of Canada in the Imperial Parliament upon questions affecting Canadian interests.

All may not agree upon the mode of appointing these representatives that this resolution provides, but that is not an essential point. I was quite aware that in bringing this question forward for discussion it was necessary to point out some simple mode of giving effect to the request implied by this resolution, but the number of the representatives or the mode of selecting them I have suggested more as a basis of argument. There is a difference between the Privy Council and the Cabi-

net: the Privy Council has a much wider range, though not the same influence, but I believe it would admit of a Canadian representative expressing himself in the Cabinet, where the policy of the country is framed, without infringing upon the prerogatives of the representatives of the Imperial Parliament.

This question of representation in the Imperial Parliament is not a new one, as it found pretty strong expression at the time when the American colonies were part and parcel of the British Empire; and had the counsels which were then given, been seriously considered, which would have given Washington an opportunity to express the wishes of his people on the floor of Parliament, that unnatural rebellion would, in all probability, never have blotted the pages of British history. We find that as long ago as 1768 Mr. Thos. Pownall, a member of Parliament, who had served as Lieutenant-Governor of New Jersey and Governor and Commander-in-Chief of the Province of Massachusett's Bay and South Carolina, wrote a book, entitled "Administration of the Colonies," dedicating it to the Right Hon. George Grenville (of Stamp Act fame), in which he said: "It is therefore the duty of those who govern us to carry forward this state of things to the weaving of this lead into our system, that Great Britain may no more be considered as the kingdom of this isle only, with many appendages of provinces, colonies and settlements and other extraneous parts, but as the grand marine dominion, consisting of our possessions in the Atlantic and in America, united into one Empire, in one centre, where the seat of Government is." We have also that eminent writer on political economy, Adam Smith, in his "Wealth of Nations," dealing with the proposition at length. He points out (See page 281, 3rd Book 4, chap. 7):

"Towards the declension of the Roman Republic, the allies of Rome, who had borne the principal burden of defending the State and extending the Empire, demanded to be admitted to all the privileges of Roman citizens. Upon being refused, the social war broke out. During the course of that war Rome granted those privileges to the greater part of them, one by one, and in proportion as they detached themselves from the general confederacy. * * *

"The idea of representation was unknown in ancient times. When the people of one State were admitted to the right of citizenship in another, they had no other means of exercising that right but by coming in a body to vote and deliberate with the people of that other State. The admission of the greater part of the inhabitants of Italy to the privileges of Roman citizens completely ruined the Roman Republic. It was no longer possible to distinguish between who was and who was not a Roman citizen. No tribe could know its own members. A rabble of any kind could be introduced into the Assemblies of the people, could drive out the real citizens, and decide upon the affairs of the Republic as if they themselves had been such. But, though America were to send fifty or sixty new representatives to Parliament, the doorkeeper of the House of Commons could not find any great difficulty in distinguishing between who was and who was not a member. Though the Roman constitution, therefore, was necessarily ruined by the union of Rome with the allied States of Italy, there is not the least probability that the British constitution would be hurt by the union of Great Britain with her colonies. That constitution, on the contrary, would be completed by it, and seems to be imperfect without it. The Assembly which deliberates and decides concerning the affairs of every part of the Empire, in order to be properly informed, ought certainly to have representatives from every part of it. That this union, however, could be easily effectuated, or that difficulties, and great difficulties, might not occur in the execution, I do not pretend. I have yet heard of none, however, which appear insurmountable. The principal, perhaps, arises not from the nature of things, but from the prejudices and opinions of the people, both on this and on the other side of the Atlantic. * * *

"The discovery of America, and that of a passage to the East Indies by the Cape of Good Hope, are the two greatest and most important events recorded in the history of mankind. Their consequences have already been very great: but, in the short period of between two and three centuries which has elapsed since these discoveries were made, it is impossible that the whole extent of their consequences can have been seen. What benefits or what misfortunes to mankind may hereafter result from those great events no human wisdom can foresee. By uniting, in some measure, the most distant parts of the word, by enabling them to relieve one another's wants, to increase one another's industry, their general tendency would seem to be beneficial."

This, hon. gentlemen, was written at a time when the discovery of an eastern passage to India by the Cape of Good Hope was described as the marvel of the age. I wonder what the great political economist would have thought of the Canadian Pacific Railway, which proves to be the North-West Passage to India, that was so eagerly sought for in those early days by explorers. Edmund Burke, that friend of the colonies, who was appointed by the State of New York to be its representative in the Imperial Parliament, also gave expression to the same views, and the fact of his having been appointed by the State of New York to represent its people in Parliament shows the desire that existed on their part to have the opportunity of expressing their views where their interests were concerned. Burke's principal objection to the question of representation by the colonies was the time that was necessary to cover the distance in going to and fro; but so far as distance is concerned, which is sometimes,

even at the present day, raised as an objection to the principle I am advocating, scientific appliances have altered that to such a degree that both the expense and the time of passing between Ottawa and London is very little, if any, greater than the time occupied in passing between British Columbia and Ottawa, or San Francisco and Washington, which is considered no bar to the unity of these countries. Electricity and steam now permit of interchange of thought quite as rapidly as is necessary, and while by these means the world is rapidly becoming smaller by the very same means, it is also becoming larger. Although this may be considered a paradox, it is nevertheless true, because the criminal or the recluse cannot now hide himself from the gaze of man or the track of the detective, while on the other hand the area of the world's surface that has been lying hidden from the grasp of man through so many centuries is now being rapidly brought under his civilizing influences, and by cultivation contributing to the ever-increasing demand of the population of the world, and in that respect the world is growing larger. That these can be used for the advantage of the increasing population of the world is an additional reason why representatives to the highest legislative body in the world should be able to take their seat and give information of the resources that await the industry of the laborer of Canada. In later times the idea of representation for the colonies was given prominence to by two celebrated men—Mr. Hume, a member of Parliament, and Judge Haliburton. In 1831, when the Reform Bill was under discussion, Mr. Hume proposed, on the motion to go into committee on the Bill, the following resolution: "That it be an instruction to the committee to make provision for the return to this House of members to represent certain colonies and foreign possessions of His Majesty." Mr. Hume's idea was that the colonies should have nineteen members, the Crown colonies to have four, British America three, West Indies eight, and the Channel Islands one. The representatives were to be elected for seven years and their seats were not to be affected by dissolution. The desirability of colonial representatives being admitted to the Commons was conceded by men of all shade of opinions in the House, but the motion was, on the advice of the Ministry, negatived, without a division, on account of the difficulties likely to be raised, and the difficulties in the way of the passage of the Bill itself, were then quite enough without adding more. Judge Haliburton, of Nova Scotia, one of the most celebrated of North Americans, has this to say on the subject in his novel "Sam Slick:"—

"It should not be England and her colonies, but they should be integral parts of one great whole—all counties of Great Britain. There should be no taxes on colonial produce, and the colonies should not be allowed to tax manufacturers' goods; all should pass free, as from one town in England to another, the whole of it one vast home market, from Hong Kong to Labrador. They should be represented in Parliament, help to pass English laws, and show them what laws they wanted themselves. All distinctions should be blotted out forever; it should be no more a bar to man's promotion, as it is now, that he lived beyond the sea than living on the other side of the channel; it should be our navy, our army, our nation; blot out the word colonies altogether; incorporate them all with England, body and breeches, our people, our country, our Parliament."

These representations from eminent men during the last century serve to show that the principle now under discussion in this honorable House is not a novel or a startling one.

Then, again, we have the examples of other countries—France and Spain both have representatives from their colonies. France, I think, gives Algeria six representatives and to the other colonies ten. Spain gives Cuba a representative for every 40,000 of the population that pay $25 a year taxes. Then we had another mode of representation in the United States. They give to their Territories representation in Congress, with the right to sit and discuss measures, but without the right to vote, and when those Territories are erected into States they have the same privileges that other States represented in Congress possess. Then, again, take our own country, Canada. We have our North-West Territories, and although they have not been erected into Provinces, yet the Canadian Parliament has given representatives to that distant Territory, such is the liberality of the Canadian people that they have drawn from that distant Territory a certain number of representatives who are capable of giving such advice, on the floor of Parliament, as will enable Parliament to govern the country well, and in that way they have shown, I consider, the most advanced and liberal ideas in regard to the representation of the peo-

ple. Then, again, another view is worthy of bringing forward, and that is, supposing this resolution should take practical shape and that it came before the Imperial Government, and they were to conceive the principle of giving certain representation to Canada in the way I have suggested, or in some other way, it would enable Canadians to take their place in the heart of that great Empire, and if they were able to display ability and make a mark for themselves, the chances are that constituencies in the mother country might be open to them, as we have seen has been the case with other colonies. Perhaps a few Canadians might in this way find their way into the Imperial Parliament and add their voices to the representation which might be accorded under some measure such as we are discussing.

All the ideas that have of late been put forth by British statesmen and by the public press have generally laid down this principle, that any change should be suggested by the Colonies themselves, that it would by unwise for British statesmen to formulate any plan without knowing what the principles are that guide the colonies in relation to the matter.

Her most Gracious Majesty commemorated the Jubilee year, 1886, by inserting the following in her Speech from the Throne: "I have observed with much satisfaction the interest which, in an increasing degree, is evinced by the people of this country in the welfare of their colonial and Indian fellow-subjects, and am led to the conviction that there is on all sides a growing desire to draw closer the bonds which unite the various portions of the Empire."

The Marquis of Salisbury lately said, in response to a public deputation: "Let the Colonies make a move, and signify that they desire a closer union, and how they propose to effect it, and it will receive careful and sympathetic consideration." There is no attempt to influence the colonies. He recognizes our perfect independence, but in view of these utterances this resolution cannot be charged with being inopportune or uncalled for. If adopted, Canada will not be dictating to England or clamoring for the impossible. She will be merely responding to a friendly though unofficial invitation.

Canada has led the way in developing national unity by the federation of the Provinces, and has now attained her maturity by twenty-one years of experience, and her example is being followed by the great colony of Australia and the Cape of Good Hope. She may now, with propriety, lead the way in establishing herself more firmly as a component part of the British Empire. The United Kingdom was gradually formed; our Dominion was gradually formed, and the same deliberation can be used in making a fresh departure for Imperial guidance. The United Kingdom was formed by degrees; it did not wait till everyone was ready; first, Scotch representatives were admitted to the English Parliament; after that, and some time after, too, Irish ones were admitted. Now, Canada, under this resolution, desires and hopes to be granted representation in the same way; and as the developing process goes on no doubt Australia, South Africa and the other colonies will follow suit. Although the Provinces of the Dominion were first confederated in 1867, the National Policy was not developed until 1878, eleven years after, and though the Imperial Parliament should grant a measure of representation to Canada in the counsels of the Empire, an Imperial policy might not be developed for twenty years after. The one is not dependent on the other.

The Imperial Parliament is a Government by precedent and possesses an unwritten constitution of sufficient elasticity to take the widest range, and I think all will admit that it is desirable that the Imperial Parliament should maintain the supreme position in the British Empire it has always held, and that it should not allow any body to be created that will usurp any portion of that supreme authority. The principle of British legislation has been in the past that any change should be gradual in its growth, and for that reason the admission of a small number of representatives into the Imperial Parliament would open the way for that change, without disturbing in any sense the present relationship of the Imperial Parliament to the British isles. In dealing with this question we are only called upon to view it in its effect upon Canadian interest. Should it come under discussion by the Imperial Parliament they would, of course, have to consider it in its bearing to the other colonies of the Empire and the effect that it

would be likely to exercise upon British interests.

The benefits that we might expect to derive from the concessions of the representation that we ask, are: First, That we would have the opportunity of lending to the counsels of British statesmen the practical knowledge of questions affecting Canadian interests; secondly, It would have the effect of bringing Canada more prominently under the notice, not only of the people of the British isles, but European countries generally.

A speech from a Canadian representative would have more value attached to it than the representation we seek now to put forth through the pamphlets that we issue, because any remarks that would fall from the lips of a Canadian of Imperial interest would receive the attention of the whole of the British press, and through it the European press. Any expense that might be attendant upon giving this representation would be counterbalanced by the saving of the expense of a portion of the staff we find it necessary to maintain in connection with our interests, and no doubt a saving would also be effected by these representatives in conducting a portion of business of the various Provinces of the Dominion, instead of sending special professional men, as is necessary from time to time, to attend to them.

It would also be an opening for the talent of Canadians, which is not an unworthy ambition for us to possess, and the advantages to the Imperial Parliament of having practical men from the colonies expressing their view upon the floor of Parliament should not be overlooked. We have every reason to believe, were we to make the request somewhat in the form of this resolution, that it would receive favorable consideration at the hands of British statesmen. There is another view, which is not unworthy of consideration. Although it may be considered utopian, it is yet worthy of expression, and that is, that it should be the aim of statesmen in the present day to endeavor to raise the plane of civilisation to a higher standard, so as to bring the great mass of mankind nearer to the realisation of a future life that is worth living for. This can be promoted by enlarging the sphere of deliberative power, especially when that deliberative power is drawn from a source that has its basis founded upon education and christianity. The resolution that I have brought forward for discussion, hon. gentlemen, will not have any political effect, because it provides for its reference to His Excellency the Governor General in Council, to deal with as he may think proper in the interest of the country, and in that capacity he is responsible to the people. But although for that reason it would have no political effect, it would yet have a very strong political influence in guiding public opinion both in Canada and Great Britain, upon this important question, and in dealing with it we should realise Macaulay's sentiments in his "Lays of Ancient Rome:"

> "Then none were for the party,
> "Then all were for the State
> "Then the great man helped the poor
> "And the poor man loved the great.
> "Then lands were fairly portioned,
> "Then spoils were fairly sold,
> "The Romans were like brothers
> "In the brave days of old."

HON. MR. HAYTHORNE—Whether it is desirable that the opinion of this House should be called for upon a motion of an individual member on a question of such vital importance as the one which the hon. gentleman who has just resumed his seat has brought before us this afternoon is, in my mind, very questionable. It seems to me that the question which the hon. gentleman has been discussing is one which, if taken up by this House, should be taken up at the instance of the Government itself, and that the Government should have sufficient support in this House for its views to be able to carry such a question by an overpowering majority. I think myself that the hon. gentleman, with the best intentions, no doubt, has perhaps been led into some errors with regard to the advantages to be gained by the relegation of colonial interests to members holding seats in the House of Commons. I will first, with the leave of the House, address myself to that view of the question. It so happens that recent news, so recent that it has only occupied the time necessary for a mail steamer to pass from London to this side of the Atlantic, gives an illustration of what consequences may be expected in depending upon the members holding seats in the Imperial Parliament for the safeguard, and for the discussion and for the promotion of strictly colonial affairs. That part of Her Majesty's dominions called Scotland, scarcely a fortnight ago, came

prominently before the House of Commons upon purely a matter of domestic interest. Dr. Clarke, a prominent Scotch member, proposed that all matters strictly relating to the domestic affairs of Scotland should be relegated to a Scotch Parliament, and that in other matters Scotch affairs would be discussed and managed by the Westminster Parliament in the way they are at present. That gentleman met with so little support, even from Scotchmen, that his resolution was defeated by, I think, a majority of 160; and to call the attention of the House to a few of the arguments which were brought forward on this question will, I think, apply to the inexpediency of putting colonial affairs before a Parliament, already overworked by its domestic affairs, and not particularly well posted on the affairs of the colonies. Everyone who has been in the habit of reading the debates in the English Parliament knows perfectly well that the House thins down immediately on the mention even of an East Indian or a colonial question. The great body of members feel that it does not closely concern them, and they have a very obscure idea of what the politics of India or the politics of the colonies are, and the House is almost immediately empty upon the occurrence of a debate such as that. The arguments brought forward were these: that the House itself could provide as competent a tribunal to to discuss Scotch affairs, through the medium of one of its grand committees, as could be obtained by a Scotch Parliament. Those were the arguments brought forward by the gentlemen who opposed Dr. Clarke's motion. They, it seems to me, took very good care to guard themselves by the assertion that the Scotch business had been neglected of late years in the House, and was very much in arrears. But for all that they held, and held, I suppose, rightly, that a grand committee on Scotch affairs would afford just as good an opportunity for the discussion and management of Scotch business as would a Parliament in Scotland. I have brought those matters forward in this way for the purpose of showing that the arena to which the hon. gentleman desires to commit colonial affairs is not a suitable arena, and that our affairs would not probably be more clearly discussed there, and that they would probably labor under the same difficulty that Scotch business has recently labored under, namely, that time and leisure would not be found for a full discussion on these colonial questions I have here an extract from the *Manchester Guardian* of 20th February on Dr. Clarke's proposal to devolve upon a legislature in Scotland the consideration of the domestic affairs of that country:

> "We think it will be admitted by any candid reader that the existence of a Scotch grievance is made out. Mr. Marjoribanks, for example, contended with good reason that there was nothing which Dr. Clarke suggested 'which could not quite as well be realized by a grand committee of Scotch members in the House.' But Mr. Marjoribanks was careful to add that, 'He quite agreed that the neglect of Scotch business was deplorable.'"

The Manchester *Courier* speaks in very similar terms. It says:

> "The hon. gentleman, Dr. Clarke, complains that the present mode of legislating for the domestic affairs of Scotland is unsatisfactory. In consequence of the pressure of business from other parts of the kingdom Scotch Bills are put off indefinitely from time to time."

As this is quite a clear case as regards Scotland, is there any reason to believe that colonial affairs would be more liberally treated by the English House of Commons than the affairs of Scotland? I think not. And for that reason I think the arena the hon. gentleman suggests for the discussion of colonial questions is not the most suitable that could be adopted. I quite admit the importance of this subject. In my opinion, it has been ripening in various parts of the world very materially in the last few months. I notice a desire for Imperial Federation displaying itself in various parts of the Australian colonies and in South Africa as well as in Canada, we may say. Several well-known speakers have addressed large audiences both in Canada and other colonies, and generally with great acceptance. Therefore, it is pretty clear to my mind that the question is arising in Canada as well as in other colonies, and I add this, that it is essential, in my mind, if such a confederation is to take place, and to succeed, that it should be commenced and carried into effect in a time of peace, without hurry, without panic, and with all the deliberation the ablest statesmen are able to give to it, and if commenced and carried into effect in that way there is every prospect of its endurance. I would myself greatly prefer the idea of a colonial council, as indicated, I think, at a meeting over which I believe the Marquis of Lorne presided, in the Col-

onial Institute in 1886. It would not surprise me to hear that not a few of the gentlemen in the House at this moment were present on that occasion and heard the oration delivered by Sir George Bowen to a most attentive audience, and to what man with greater experience could they have listened than that gentleman possessed? He had thirty years' experience as colonial Governor, beginning at Corfu and ending at Malta. He had been first Governor of North Australia—Queensland, as it is now called. He had governed New Zealand during the period of the Maori war; he found the natives in arms against the British Government, and left the colony at peace; from there he went to Victoria. The second difficulty which he overcame in the colony of Victoria was a political difficulty between themselves, defining their powers. That was not the whole of that gentleman's experience: he governed Hong Kong at a most critical period of its history, when the French were waging war with the Chinese, and the greatest difficulty existed to maintain British interests there. Again, that same gentleman, to whose opinions I refer with such confidence, was Governor of Mauritius—a colony containing a population with a large element of French in it, and there also he made himself most exceedingly popular. This is the man who was put forward to address the Colonial Institute at the great Exhibition in 1886. That gentleman, Sir George Bowen, alluded to some of the circumstances which the hon. gentleman has mentioned in his speech. I think he alluded to the fact that Adam Smith had been one of the originators of the idea that a colonial council was the fittest means of governing the colonies; and had the thirteen American colonies, before the War of Independence, been represented in the Imperial Parliament in the manner Adam Smith suggested, there probably would have been no secession, no rebellion, no English blood shed, none of that intense bitterness of feeling which has always prevailed between Americans and British for more than half a century, and which her efforts to-day are not quite sufficient to fully obliterate. Nations do not forget bombarded towns, and farms and villages stained with blood. They are things odious in themselves, the memory of which is handed down from father to son, and it takes generations to obliterate it. Heaven forbid that such things should happen in our day, not if we can by any possibility avoid it. I say, then, that on that occasion, before the Colonial Institute, the meeting was addressed by a gentleman perhaps more competent than any other living person to speak with confidence on colonial affairs. He had been thirty years a colonial Governor, a man of high culture, and his success shows that he possessed the genius for governing men, and that was his idea with regard to colonial government. I should like, for a few moments, leaving the region of facts to which I have alluded, in what I have just stated to the House, to trespass a little while giving hon. gentlemen some intimation of what the probable result would have been in the various difficulties which Canada has had in the past, not now particularly, but at different periods for the last fifty years had we possessed, during that time, a Colonial Council in England? Would we be any better off or any worse off? or in more amicable relations with the United States to-day? I think so, and for this reason: we would have been stronger, and our rights would have been enforced by the power at our back of a whole undivided nation. I think the feeling which would have prevailed in the American mind would have been something of this nature—that it would be useless for them to put forward demands or pretensions which were incompatible with facts and incompatible with justice. I should say that this would be the operation of the Colonial Council in any dispute which existed in past times, or exists now, or might exist in the future—that Canada, if called upon by the American Government to make good mischief done to her cruisers on the fishing grounds, or called upon to make amends to our fishermen, or anything of that kind, would naturally state her case with the greatest clearness and precision for the information of the Colonial Council, and there it would be enforced by her representatives, and there would be in any such statement not one word except what was literally and exactly true; and in that way the Colonial Council, assembled members from all the British colonies—from Australasia, from the Cape of Good Hope, from the West Indies, from Britain's great crown of colonies, would naturally

discuss the question with fair, unbiassed minds, and the result would be that they would come to a just conclusion, which would be tenable as against the United States and which would receive the approval of the civilized world. It would be felt that there was a body which was capable of discussing and offering an opinion upon questions strictly colonial, by men whose ideas would not interfere with their judgment. They would have abundant leisure, and the great Colonial Empire would naturally look to them for their decision upon any such point as that. It might be a decision which would involve peace or war; but we would be certain of this, that colonial interests would not be ignored or set aside in favor of any other consideration, and would be the only way to prevent the recurrence of such aggressions as we have seen in our time by the neighboring Republic as against Canada. It would be a warning against similar attempts hereafter. That is the way, I think, a Colonial Council would act in disputes between any of the colonies and foreign States—a most important consummation. But before I resume my seat I should like to say a few words as to the great importance of the colonial question to us. I have been watching these things for many years past, and without addressing any audience upon them, because I thought that the plans which had been projected were not feasible—that they were not practicable. They might do until they came to be closely examined by men of experience, but whenever that happened they were sure to be condemned for their want of efficiency. I use the words of Lord John Russell, the author of the first Reform Bill, before he was called to the peerage, and he used this expression, as regards the English colonies: that it would be deplorable before God and man should any breach be made in the colonial dominion of Great Britain. Since that time the colonial dominion of Great Britain has been marvellously enhanced. Not to digress into discussions as to the when and the where, and the population and wealth of those colonies, I speak of a thing that cannot be contradicted, and say with Lord John Russell that it would be a most deplorable event should the colonial diadem of Queen Victoria be damaged in any way. I think it was necessary that a movement of this kind should come from the colonies rather than from the Imperial Government, but it is quite clear from recent events that in Australasia, in South Africa, and in various other places, there is a strong feeling at present towards adopting some measure of Imperial Federation.

Why should this feeling be so predominant nowadays particularly? I think if we make that enquiry we have not very far to look for a reply, and we have also the fact of the great change that has taken place in battle ships and cruisers. It is from a conviction on those facts that the colonies have become fully conscious of their danger. They might be attacked by vessels of great speed, of not very formidable armament or crews, and yet sufficiently formidable to devastate their seaboards, and perhaps have levied enormous contributions upon their unarmed and unprotected ports. To obviate that is one of the first and most important duties which should be attended to by an Imperial Council and the colonists of our day being conscious of their danger in that way, not from any one particular nation, but from any hostile cruiser — any such cruiser as did so much damage in the recent American civil war—and there are much more formidable vessels than either of those for whose depredations the British Government paid damages to the United States—might do infinitely greater damage on our seaboards. I have trespassed on the patience of the House too long; and, perhaps, after all, have failed to elicit the facts which were not already well known; but I could not avoid asking the House to hear me upon this point, because I felt that to simply adopt the hon. member's motion would be to compromise with the House in the future, and to identify it with an unworkable scheme, one which I have demonstrated pretty clearly by the analogy of Scotland and the position of Scotch members would be absolutely impracticable in the House of Commons as at present constituted.

HON. MR. MACDONALD (B.C.)—I do not agree with the hon. gentleman from Prince Edward Island in the first part of his remarks, in which he said that it was not in the province of any member of this House to bring forward a question of this kind—that it was more a matter for the

Government. The hon. members of the House know that on all public questions Governments are moved by the people—that questions are forced on them by public sentiment, which they had not perhaps thought of before. Therefore, a motion like this which is now before us can do no harm, though it may be premature. As an advocate of Imperial Federation, I think there is no harm in discussing the matter briefly, and the line I would take in the matter would be showing the enormous benefits to be derived from intercolonial commerce between all British colonies and the mother country. There is a very remarkable fact connected with Imperial Federation; the strong advocates of it in England and in this country are always afraid to touch it too closely or to formulate anything like a system or plan for its accomplishment. It is always in a state of chronic unripeness. I have had the pleasure of hearing the question discussed in England by Lord Roseberry, Sir Charles Tupper, and a number of other eminent men, and they circled round it and would not touch it closely. They all declared that we should have Imperial Federation, but they would not formulate any idea that would give the different Governments of the colonies something to work upon or to think about. No doubt it is a very difficult question; there is so much to be done, first of all, in local federation of the different colonies, that it is perhaps premature to discuss the question that is before us. There is no doubt that, first of all, the colonies must feel by intercolonial trade that they are necessary to each other, and that all barriers to such trade in the shape of tariffs must be broken down, and by having free intercourse between the different portions of the Empire they would find that they are necessary to each other, and this question would grow as it could not develop in any other way. The vast volume of trade with the West Indies, Australia, and other countries, is so great that by having free access to each other's markets and a common tariff, or a very low tariff between them, they would become more closely united. I can conceive of no grander idea than a commercial union of all the British colonies with the mother country, as against the whole world, allowing other nations to come under the same rule if they wish to do so—all who desired to join under the same system and tariff would be welcome to do so; but otherwise a zollverein, or commercial union, between the mother country and all her colonies would be the greatest scheme that could possibly be conceived. I have got a few figures to show what has to be done, first of all, in the way of local federation, before representation could be had in the Imperial Parliament. The Dominion has, first of all, to round off its proportions by assimilating Newfoundland with its 200,000 inhabitants, with its revenue of $2,000,000, and its exports of about $6,000,000. There are nine colonies in the West Indies which have all separate governments. In the colony of the Windward Islands an extraordinary condition of affairs prevails. The colony consists of three islands, each of which has its own tariff, though they are under the one Governor. That shows that there is a great deal yet left to be done in the way of assimilation. Then they have in Africa five colonies—Natal, Cape, Basutoland, Bechuanaland and Zululand—enormous territories sparsely settled, which will some day form a confederation of their own. Two or three of the colonies are under the Government of Natal. With regard to Australia, the work of confederation has commenced there, and I dare say it will go on and make progress. There are a number of small colonies like Mauritius, Ascension, and North Borneo that we need not deal with, but the Australian colonies are taking up this question of confederation with Tasmania and New Zealand. Before a colony like Canada should demand representation in the Imperial Parliament we must remember that there is India, with its dense population, its immense revenue and its enormous export trade, which must first of all be represented before any of the colonies can claim representation. There is a Secretary for India and an Under Secretary. We have the Secretary for the Colonies and an Under Secretary, as well, for all the colonies. The population of India is so much larger than that of the whole of the colonies that our share of representation in the British Government is small. India has an area of 1,278,844 square miles, a population of 254,000,000, a revenue of $262,565,000, and an export trade of $435,000,000. Of course, the population of that country is not largely Anglo-Saxon; if it were it would, no doubt,

have had representation long before now in the Imperial Parliament. The trade of Great Britain as compared with that of all the colonies is remarkable. The population of all the colonies, including India, is about 268,000,000, the revenue $497,000,000, and the export trade $1,005,000,000; whereas, the United Kingdom, with the small area of 121,000 square miles and a population of 38,000,000, has a revenue of $450,000,000, and an export trade of $3,343,000,000. The following is a table which shows the comparison at a glance:

THE BRITISH EMPIRE—AREA, POPULATION, REVENUE AND EXPORTS.

—	Area.	Population.	Revenue.	Exports.
			$	$
Dominion of Canada	3,470,257	5,000,000	40,000,000	96,000,000
Newfoundland	42,200	200,000	2,000,000	6,726,200
The nine West India Colonies	129,963	1,864,051	14,365,298	63,839,940
The six Africa Colonies	547,088	2,103,700	19,272,730	55,719,285
Mauritius	708	369,302	4,280,000	1,250,000
Ascension	47	5,000	46,000	126,000
The five Australian Colonies	2,944,628	3,000,000	125,000,000	288,000,000
Tasmania	26,215	146,449	3,200,000	1,200,000
New Zeland	104,032	649,000	20,500,000	20,000,000
Fiji	10,000	124,658	320,000	1,885,000
India with her nine Provinces	1,378,844	254,000,000	262,565,480	435,950,000
Straits Settlement	1,472	600,000	3,858,108	19,200,349
Hong Kong	30	216,030	1,718,000	15,100,000
North Borneo	31,000	150,000	148,286	525,875
Labuan	31	6,000	18,393	420,000
	8,577,515	268,158,890	494,792,265	990,942,649
	109,000	275,000	2,500,000	15,000,000
	8,686,515	268,433,890	497,292,295	1,005,942,649
Great Britain and Ireland	121,115	38,125,000	450,000,000	3,343,000,000
	.....	306,558,890	947,292,295	4,358,942,649

The exports of England alone are three times as much as the exports of all the colonies and India. Twenty years ago the colonies stood in very low estimation in England, but the last few years there has been a remarkable change. Many eminent statesmen of that day almost told the colonies to go, and the leading papers of the United Kingdom thought that we were too expensive to be held, and suggested that we should take our own course and separate from the Empire. That condition of things is changed. There is a great effort now made by Europeon powers to increase their colonial possessions, and England is devoting much more attention to her colonies than she did some years ago. The development of the colonies and their influence on the future of the Empire is opening the eyes of English statesmen to their importance. With regard to the resolution itself, I suppose the hon. gentleman will not press it at this stage of the question. He has done no harm in bringing it forward. To stand still is impossible, and we cannot permit the idea of disintegration or decay to enter into our thoughts. The work of strengthening the colonial Empire is in accordance with the spirit of the age, and is sure to gather force as thought is given to it and as time rolls on.

HON. MR. SCOTT—I also express the hope that the hon. gentleman from Shell River does not propose seriously to take a vote on this resolution, because I think it is exceedingly premature even to discuss it. I do not think that 5 per cent. of the people of this country have expressed an opinion on it or heard it discussed. It is a question that has arisen since the last election. It is altogether within the last three years that the proposal has been discussed in Canada or in England.

HON. MR. DICKEY—It originated six years ago.

HON. MR. SCOTT—Leading statesmen have taken up the subject in England, and

have circulated a great deal of literature on the subject, and they annually deliver speeches at the various gatherings that are called to commemorate the inauguration of this movement, yet I fail to see that any of those gentlemen laid down principles for the guidance of those who profess to be in favor of Imperial Federation. It is an ethereal thing, it is a very pleasant subject to discuss the great extent of the Empire, the drawing together of between three and four hundred millions of people. This question of international trade has cropped up, but not seriously, because it would be quite impossible under the present condition of things. My hon. friend from Prince Edward Island showed that at present there are in the Imperial Parliament 670 members, and that it is impossible to deal with some of the most pressing questions of the day. As an illustration, he brought forward the statement of Dr. Clarke, the other day, that a health measure affecting Scotland alone has been before the Imperial Parliament for ten years, and they cannot get it on a stage. Another Bill, giving municipalities in Scotland control over the liquor question, has been four years before Parliament and cannot be moved on a stage. Hon. gentlemen know that for the last ten years the Irish question has been the principal subject before the Imperial Parliament. It is not practical questions which are discussed, but questions affecting the various component parts of the Empire, more particularly Ireland. My impression is that the first change there will be Home Rule for England, Scotland and Ireland. That is becoming apparently an absolute necessity, because if hon. gentlemen will take the trouble to look at the volume of Statutes issued from the Parliament of the United Kingdom they are not as large as our own. The Imperial Parliament has not time to pass Bills. During the six or seven months that the Session lasts they are discussing constitutional questions. Let me ask hon. gentlemen what question has in the last five years—I might go back ten years—come up in the Imperial Parliament on which a Canadian delegate or a delegate from any of the colonies would have been entitled to open his lips? I do not know of any question, except it may be something connected with the shipping interest. There is no other subject that I know of in which Canada was specially interested, so entirely have our affairs been separated from those of England since we got our Constitutional Act in 1867. But the hon. gentleman from Victoria intimated that it necessarily led up to an intercolonial trade between the colonies and the mother country. That again would be impossible. Great Britain is not going to give us any preference over other countries. She is not going to modify the corn laws in the slightest degree, or make her operatives pay more for their food supply for the sentimental benefit of outlying parts of the Empire. Then, again, Great Britain is tied up by some thirty or forty treaties that exclude Canada from giving her a preference in the Canadian market. Canada could not to-day give England a preference in her own markets. We could give a preference to the United States, but we could not to England. It seems rather paradoxical to say so, but that is the absolute fact. Hon. gentlemen know that from time to time during the last half century treaties have been made containing what are called the Most Favored Nation clauses. I have here a return from the British House of Commons down to 1888 in which there is a *résumé* of the various treaties with different countries. England would have to abrogate all those treaties, if what is called a commercial union, or freedom of tariffs, was to be established between Great Britain and her colonies. That would be a very serious difficulty to get over, and I question whether the mother country would be willing to adopt a course of that kind. Great Britain has felt that her system of free trade has wonderfully enriched her. She is rapidly accumulating the wealth of the world, and is now the great centre for capital, all owing to her free trade principles. She is not likely to sacrifice that for an ethereal scheme, that nobody has been able to reduce to practice. I did not think it was quite proper that this question should go by default, because I find that it is asserted by some influential men that great progress has been made in conversions to Imperial Federation. At a recent meeting in London it was claimed that, so far as Canada was concerned, there were two Ministers, twelve Senators and fifty members of the House of Commons in favor of it.

HON. MR. DICKEY—In favor of what?

HON. MR. SCOTT—That is what I want to know. I have never yet been able to learn what it was they were in favor of. It involves, no doubt, representation in the Imperial Parliament, but until very marked changes take place there it would be utterly impossible that any representatives from Canada could be listened to. We now do get a hearing, through the Governor General and our representative, the High Commissioner at London. Our connection with foreign countries is through treaties: it is entirely in that way that Canada comes to the front in a variety of cases, through the intermediary of Great Britain, the mother country having the control of the treaty-making power over all the colonies. It is only through that channel that Canada is at all heard. We have for a long time been claiming the right to make our own treaties. That has not been conceded yet, and may not be for some time. One of the motives that has been suggested in England, and I have no doubt has stimulated the growth of the feeling in this country, has been the fear that Canada, by this agitation for closer trade relations with the United States, was becoming in danger of being engulfed in the American Union. That has been the motive that has prompted so many well-meaning English statesmen to take up this question, to save the colony from any such crisis. I do not think that this country is in any danger from such a cause. I am not one of those who apprehend that closer trade relations mean closer political relations. If they meant that, then I for one am prepared to disavow the movement. It is contended by those who oppose commercial union that while it is right and proper that we should trade with the United States in wheat, barley and coal, the moment you come to a stove, or a hoe, or a harrow, or a reaping machine, then it is an interference with our loyalty to the mother country. I look upon all that as very rubbishy. I see no distinction in articles of commerce. The moment you trade with a country in one article you may as well trade freely in all articles. We have already a large free list. Let hon. gentlemen take a common sense view of this question. We are told that it is all right to buy strawberries and peaches from the United States, but we must not buy the baskets that they are packed in—that would be an evidence of disloyalty, evidence that we are sliding into a political alliance with the United States.

HON. MR. MILLER—Who says that?

HON. MR. SCOTT—That is the argument—that it would never do to extend free trade to any article made by hand. So long as the exchange is in natural products it is all rights, but the moment we begin to exchange manufactured articles it disturbs the political autonomy of this country. Recently there has been a marvellous conversion on that point that I must not fail to recognize. It will not disturb the political autonomy of this country, it seems, if we buy our mining machinery in the United States, but why it will disturb our political autonomy to buy our milling machinery there is one of those things that nobody can understand. Our alliance with England would not by any means be strengthened by any such proposition. I think it is the ambition of Canada to remain long united with the mother country. Our position is altogether different from that of any colony on the globe. We are here the northern half of one continent, with the Atlantic Ocean on one side and the Pacific on the other. We have but one neighbor. The probability is that, in the future, the friendship with that neighbor will be strengthened. We find a British statesman recently speaking of the United States as the children of England, and we know that they are intermarrying pretty rapidly between the United States and England and that the alliances there are becoming so close that it would be utterly impossible to conceive of any friction between the two countries that would lead to a deadly feud. There is too much good sense on both sides. Is Canada a *casus belli*? What is the Minister at Washington day by day and year by year employed at—settling matters between the United States and England? No; settling matters between Canada and the United States. Canada is the only trouble, the only cause of disturbance; and I say when we do remove the friction that has for years and years been existing between these two countries we will perform the greatest act of kindness to the mother country that any man can conceive of. If all these difficulties are removed the office of the Queen's representative at Washington will become a sinecure.

HON. MR. READ (Quinté)—How will we remove them? Give up everything?

HON. MR. SCOTT—No; that is not asked and would not be conceded. The United States is grasping, and is exasperating Canada, but are not we exasperating the United States? Was it not exasperating when a number of Scotchmen came from the United States to engage in a friendly game of curling with some Scotchmen in Canada to have their curling stones seized at the Custom house? Similar things occur every day of our lives. No hon. gentleman can deny that we, on our part, are seeking to develop and create all this friction. The four hundred odd articles on our tariff are so many announcements that we are not prepared to talk reasonably with our kindred on the other side of the line. It is the fisheries on the east and the fisheries on the west, the wrecking laws and coasting laws, the American channel and the Canadian channel, and fifty other things that art cropping up the whole time. Until all those are removed, so long will the British Minister at Washington be kept in hot water trying to make things smooth. With two such peoples as we are, living side by side, you cannot keep things smooth without removing the causes of friction. It is better to give away something than to be always fighting with our neighbors, and we will strengthen the arms of England much better by doing so. When we fortify Canada on the east and the west and have a powerful ally on the south, as I trust the future will prove the United States to be, and we can thus help to strengthen the arm of England, her enemies on the east and on the west can be successfully fought and the country readily defended. She has her highway now from the Atlantic to the Pacific to transport her troops to the Asiatic continent. Under a contract made between our overland railway and the Imperial authorities they have the right at any time to use the Canadian Pacific Railway for transporting munitions of war and troops. In the way I have indicated we can best show our loyalty to the Empire and our desire to strengthen and fortify the mother country.

HON. MR. KAULBACH—The manner in which the hon. gentleman from Ottawa presses his peculiar views on the House generally induces me to oppose him. The tendency of the hon. gentleman's argument would be to loosen the tie that binds us to England and to attach us to a foreign country, in whose history and traditions we have no part. My hon. friend has in every way advocated discrimination against England, and would have us become the bond slaves of the United States. That is his argument throughout; he has been consistent in that. Every time he deals with the great interests of the Dominion he brings up the country to the south of us and represents it in attractive terms; and he and his friends advise our people to go to Dakota. In that way they send over large number of Canadians.

HON. MR. POWER.—I must call the hon. gentleman to order. He is making a statement which is not founded in fact. I must ask him to give us his authority for making such a statement.

HON. MR. KAULBACH—We know very well that those gentlemen who are associated with my hon. friend have done very much to decry Canada and represent Dakota as a land of promise, and in this way they have induced Canadians to go there. Now those people ask us to come to their assistance and help them to return to their own country. This state of affairs has been largely brought about by the manner in which some of the leading opponents of the Government have decried Canada. My hon. friend advocates better relations with the United States, but we know that our neighbors have raised these hostile barriers. We have gone far to degrade ourselves in seeking concessions from the United States in the way of obtaining reciprocity. We have humiliated ourselves, and instead of our neighbors being willing to concede anything, they have turned out of power the party that proposed to insert in their platform anything looking to closer trade relations between that country and the Dominion.

My hon. friend says it is impossible for us to be heard in the Parliament of England, because they are so much engaged in domestic matters. The hon. gentleman has given an answer to that himself when he says they are to have Home Rule for Ireland, England and Scotland. When that is done, nine-tenths of the subjects which at present engage the attention of the Im-

perial Parliament will be relegated to those Local Legislatures. If such a change is to take place, now is a most important time for the discussion of this question. When the hon. gentleman says that this subject is not taken up by English statesmen he forgets the utterances of Lord Roseberry, Lord Dunraven and other British statesmen, who have taken a lively interest in this question. I say it is a subject which is now engaging the mind of almost every public man in every part of the British Empire. The difficulty is, how can it be practically solved; and it is only by discussion in Parliament and out of Parliament that the public mind can be ascertained. Probably this body may not be a proper place to initiate the question, because we cannot come to any practical conclusion. The hon. gentleman introduces, as an impediment, the Favored Nations clauses of the treaties. That is a stumbling block which can be removed in time; but when he says that England would never feel inclined to give any preference to her colonies over other countries I do not know that he can speak with such authority as to convince us that such is the case. I believe that England, as well as her colonies, can find some way to overcome that difficulty, as they have overcome more difficult questions, by which the colonies may be united more closely to the mother country, not only politically, but in questions of trade and commerce. I am with my hon. friend who brought this question before us in many respects, and upon the broad question I am closely with him. I am in favor of anything that will bring us in a practical way closer together as colonies, and closer together as an Empire, but I cannot go with my hon. friend in his present motion. The people of the Maritime Provinces as loyal subjects of the Crown felt that they should unite themselves more closely together and assist in forming this Confederation. We did it believing that we were strengthening ourselves—our colony (Nova Scotia) was strengthening itself by becoming part of a grand confederation—and one of the great objects was this: We felt that as a separated Province we had no voice at home; that we had no proper representation there; that we could not present our views with any force. One Province would be sending its views at one time and another at another time, and we have often been told from England: "Agree amongst yourselves first as to what you want, and then it will come with some force from you." That was the feeling we had down there. One of the designs of Confederation was that when questions should arise affecting the Provinces, the Provinces composing the Dominion would be able to speak with one voice to the Imperial Government. Futile were our remonstrances, from one Province to-day and another to-morrow; from others hardly at all—with no concerted agreement or action. I say it is one of the strongest influences we have to-day in matters which affect us as an important part of the Empire that we speak with one voice. By adopting a scheme of provincial representation we would be sending from Nova Scotia a Separatist to England, for a Separatist party is in power in that Province. Probably Mr. Mercier would send from Quebec a Nationalist, and we would no doubt find each of the other Provinces sending diverse views, suggested by the politics of the party in power. The best interests of Canada in this way might be frustrated. If my hon. friend's resolution should pass, what would be the result? In that way we should have a representation in the British Parliament that would speak as one tongue for the benefit of Canada.

HON. MR. POWER—We must admit the dual language there.

HON. MR. KAULBACH—When I speak of one tongue, I mean the same sentiments expressing the opinion of Canada, as a body, to back them. I am glad my hon. friend has brought this motion before the House, even in the way he has; but I certainly would not be in favor of representation in the Imperial Parliament by Provinces. No doubt Confederation is now becoming a live issue. Every colony has been impressed with it—not only confederation of the colonies as between themselves, but a closer union with Great Britain. It has taken wide hold upon the people. I am in favor of closer relations—commercial and political—if possible, between the colonies and the mother country, and it is well to discuss every scheme that may be suggested by public men having that object in view. It is only by discussing it in this way that we can come to a

determination as to what is best to be done on this important question. In Nova Scotia we are taking vast strides in this direction; not only in Nova Scotia, but throughout all the Provinces of Canada. In helping ourselves we have helped the British Empire and have done a great deal towards bringing about Imperial Federation. We have established by our efforts in this country since Confederation a closer communication between England and her colonies in the east. We have furnished a highway for England across this continent and we are at present in closer touch with England and England's colonies than we have hitherto been. This federation feeling has gone over the world. Look at Germany to-day, with its united kingdom! We find even in the United States the result of the confederation principle. They fought for confederation. It has been shown that in Switzerland, Australia and South Africa, also, this desire for confederation prevails, not only for confederation amongst themselves, but for closer union of the colonies with England. While I believe the resolution of my hon. friend to be impracticable, I am willing to commit myself to the general principle that it is in the interests of Canada to have closer commercial and political relations with England, and as far as we can with other colonies; but at the present time I think it would be unwise to commit ourselves to any scheme by which each of the Provinces should have a representative in the British Parliament.

HON. MR. HOWLAN—This debate has taken such a wide turn that it is no disadvantage that we should have it. Yesterday we had placed before this House the question of our heritage here in Canada, and to-day we are seeking to get representation in the Imperial Parliament. I do not rise so much to discuss that particular point, but one that has incidentally cropped out in this debate, and that was brought out more prominently in a previous debate in this House. Three years ago I happened to be a silent listener in the gallery in the House of Congress at Washington when I heard these same statements, and subsequently heard them repeated in this Senate. The impression attempted to be left on the minds of the House to-day dy the hon. gentleman opposite is that we have by some act of ours—some act of omission or commission, or unkindness or unfriendliness, brought about feelings of unpleasantness with the country to the south of us. Now, that is not the fact. There is nothing further from the fact; and while I was compelled by circumstances at Washington to sit a silent listener, and while I was compelled to sit here a silent listener as a supporter of the Government, whose desire was not to have anything said in Parliament at the time that might tend to interfere with negotiations that were pending, I cannot allow this opportunity to pass without repudiating the charge that we have been harsh and unfriendly in our treatment of American fishermen. I will refer for a few moments to the incidents attending the making of the Treaty of 1818. It will be remembered by those who have read the history of events from 1771 to 1776, that there arose unpleasantnesses between the English colonies in the United States and the mother country which lead to their independence. It has no doubt occurred to every student of history that there were at that time in the English Parliament men who held strong opinions that the colonies were not properly treated, while others held that the revolt in the American colonies was merely an ebulition of temper, and that in a short time they would come back to their old allegiance. Prominent amongst those men who considered the colonies were treated unfairly was Edmund Burke, and it will be remembered that on several occasions, in his addresses to his constituents at Bristol, how distinctly and how vigorously he pleaded for the rights of the colonies at that time. Previous to the period when the United States ceased to be English colonies their fishermen had access to the fisheries in the Maritime Provinces. They knew all the ins and outs of the fisheries; they knew the haunts of the fish of Canada; they were experts on that coast then as they are experts to-day as fishermen. After the Declaration of Independence, down to the year we made a treaty with them, we permitted them as friends and neighbors to pursue their avocations as fishermen around the shores and bays of the Maritime Provinces. In 1818, when we sat down to discuss this question with a view to a treaty, the United States was asked to make a statement through its Minister what were

the views that that country entertained with regard to our fisheries. I will recall one or two incidents, the details of which will be found by any gentleman who takes up Hannay's "Acadia." After the Declaration of Independence by the United States a great many loyalist families came down to settle under the old flag in Nova Scotia and Newfoundland. Members of the same family under different flags and different constitutions were continually visiting each other, sometimes with friendly intentions and at other times of a different nature. We find that on one occasion, from Newburyport, Massachusetts, there came a number of men in a shallop, and landed at the head of the Bay of Fundy, came across into Bay Verte and there seized a schooner, took her into Pictou where the Scotch ship "Jane," of Dundee, was discharging goods for the merchants, and there took possession of the ship and took her over into Bay Verte, rifled her of her contents and held her until messengers were sent through the woods from Pictou to Halifax, when the British sloop of war "Boxer" recaptured her and took her into the harbor of Charlottetown. That was a sample of the goings on in those times. In some instances, not only were our people molested in their rights on the fishing grounds, but their boats were destroyed, their nets were destroyed, and every outrage that could be suffered was committed on people who were unable to protect themselves in isolated places, so that it was necessary that something should be done. There was the very best of feeling between the two countries as a whole at that time. There were fisheries all around the coasts of the New England colonies at that time, as good as ours in certain seasons in the year, but not so good as our deep-sea fisheries. It was neeessary in those days, as it is now, for every nation to have training schools for their seamen, for without them no nation can have influence as a naval power, and a value was therefore set on the fisheries as a school from which to draw able seamen. It was with these views in men's minds that we were asked to sit down and prepare this treaty. At that particular time the Americans were asked to make a statement of their wants: and what was that statement? That they wanted access to our fisheries, merely to get wood and water. And why? Because at that time they had shore fisheries of their own as valuable as ours on their own coast. We gave them the privilege they asked for, and they were satisfied with it, and it went on satisfactorily to all parties until their mercantile marine and their fishing fleet so increased and they exhausted their own fisheries to such a degree that in 1853 the value of the fisheries controlled by the Americans was not 3 per cent. as compared with what it was a few years previous. If you go down into the Department of Fisheries here, and ask the Deputy Minister to show you the different devices that were in use for the destruction of the fisheries, hon. gentlemen would be surprised to see the variety. He will tell you also that the very same means are now being utilized by the Americans to destroy our fisheries that were years ago employed in the United States so successfully to destroy their own. In 1853 we discussed the question with them. They acknowledged that we had a virgin fishery, and to have access to that fishery they were willing to make a treaty, which was entered into and which lasted ten years, and which was greatly in their favor. Was that an act of unfriendliness on our part? Was that the act of a people disposed to be unfriendly or unneighborly? I say, no. I say that history does not prove anything of the kind. When we sat down, later on, in Halifax, to discuss the question there in 1876, what was the result? The Americans had some of the ablest men in the United States as their representatives, and an arbitrator was named who was looked upon as being so far removed from any entanglement between England and the United States that he could be depended upon for an honest verdict. What was the result of that arbitration? We got $5,000,000. After they had exhausted, with all the experts, all the ingenuity, all the tact, and all the perseverance, and all the intelligence they could bring to bear, the whole of the department at Washington, including their shipmasters, fish merchants and every witness from amongst the 50,000,000 of their population who could throw any light on this question in their favor, we were allowed $5,000,000 for our fisheries. After the expiration of the treaty we allowed them, under the *modus vivendi*, to have access to our fisheries until such time as the public men of the

United States should be brought to see this thing in the way the arbitrators who had considered this question had seen it. Of the population of the United States, 600,000 are engaged in the fisheries, directly or indirectly, and when they made representation at Washington, though a small proportion of the people, Congress thought, as we would think if a proportion of our people came to Parliament and said that their rights are trampled on, our sympathies would go with then. We are told that our fisheries have no value for the people of the United States. My answer to that is: if you take up the report published in January last by the Fisheries Bureau of the United States you will find that about one hundred fishermen of the Gloucester fleet have taken out licenses to fish in our waters, for which privilege they paid $9,589.50, and I am astonished to hear any hon. gentleman say, in the face of such facts, that our fisheries are of no value to the Americans. I sat quietly in my seat when that statement was made before, but I vowed that the first opportunity I would have I would state my opinion on the question, and give my reasons for the faith that is in me. While holding these opinions, I am still with our Government in holding out the olive branch. With regard to the question before the House, I think we may be thankful to the hon. gentleman from the North-West, who presented his case so clearly and distinctly before us. His speech, at all events, showed a great deal of thought and careful consideration, and I may say that, speaking of Canada, he is speaking of a country which we ourselves can have very little conception of by merely glancing at the map of it. A recent writer, referring to Canada, says:

"It is difficult to afford an adequate conception of the vastness of this country. England, Wales and Scotland form together an area of 88,000 square miles; you could cut forty such areas out of Canada.

"New South Wales contains 300,175 square miles, and is larger by 162 square miles than France, continental Italy and Sicily. Canada would make eleven countries the size of New South Wales.

"There are (in extent) three British Indias in Canada, and still enough left over to make a Queensland and a Victoria.

"The German Empire could be carved out of Canada, and fifteen more countries the same size."

We may well feel proud of a country such as this, and proud of the position she occupies and her promise of a glorious future. In a few years many gentlemen who sit around these benches will be gone, but events are moving rapidly, and things that seem difficult at the present time will, in a few years, after we are gone, perhaps even in our time, be no longer difficult. There is no man in this Chamber who will deny that within the last thirty or forty years in the lives of many of us, great strides have taken place with regard to facilities for transport both by land and by sea. Only a few years ago it was considered an impossibility to build a railway across this continent. We were told it was madness to undertake it, and that its completion would not be seen by the then Government or many Governments to come. But we have lived to see that railroad an accomplished fact, from the Atlantic to the Pacific, and we are proud of it. Every day we hear of railroads encroaching on the cities. Instead of having cities stagnating, without communication with each other, they are being encroached on for the accommodation of the rapidly growing traffic of the country. We are improving in our ship-building—from wood to iron, from iron to steel—and the day is not far distant when we shall have reached the discovery of some other material than steel with which to build ships, or we will be in the same position with our steel ships that we were a few years ago, when we had only wooden ships. As soon as that material is discovered which will have more buoyancy than wood and more tensile strength than steel we shall build ships, driven by electricity, that will cross the ocean in three or four days.

Some hon. GENTLEMEN—Hear, hear.

HON. MR. HOWLAN—Hon. gentlemen may laugh. It is very easy to laugh. I have myself laughed in the same way a few years ago at statements that appeared to be incredible, and which are now every-day facts. I have in my hand a copy of the *Quarterly Review* that was edited by as clever men, and read by as wise men as those who laugh at my prophecy now. In 1819 a writer in the *Review* stated:

"We cannot but laugh at an idea so impracticable as that of a good road of iron upon which travel may be conducted by steam. Can anything be more utterly absurd and laughable than a steam waggon propelled and moving twice as fast as our mail coaches."

So, again, with regard to the introduction of gas. Many anecdotes are told about

William Murdock, in connection with his discovery, towards the close of last century, of combustible air or gas. An English paper says :

"So little was the invention understood and believed in by those who had not seen its use that even great and wise men laughed at the idea. 'How could there be a light without a wick?' said a member of Parliament, when the subject was before the House. Sir Humphrey ridiculed the idea of lighting towns by gas, and asked one of the proprietors if he meant to take the dome of St. Paul's for a gas meter. Sir Walter Scott made himself very merry over the idea of illuminating London by smoke, though he was glad enough, not so long after, to make his own house at Abbotsford light and cheerful on wintry nights by the use of that very smoke. When the House of Commons was lighted by gas the architect imagined that the gas ran on fire through the pipes, and therefore insisted on their being placed several inches from the wall for fear of the building taking fire. The members might be observed touching the pipe, with their gloved hands, and wondering why they did not feel warm. The first shop lighted in London by this new method was Mr. Ackerman's, in the Strand, in 1810; and one lady of rank was so delighted with the brilliancy of the gas lamp on the counter that she asked to be allowed to take it home in her carriage."

I ask hon. gentlemen how long ago would they have believed it possible that any man could telephone a message from Montreal to Toronto? Then look at the progress of electricity. Supposing we had the material to build the ship that I speak of, with more buoyancy than wood and greater tensile strength than steel, and supposing you could harness electricity into it, is there any reason why such a ship should not be driven across the ocean in less than four days? Parliament is being asked even now to pass a Bill to incorporate a company to build a railway from Quebec to Labrador. The incorporators may be looked upon as being madmen, but they must be presumed to know what they are talking about, or they would not go to the expense of getting an Act of Parliament for their scheme. Unfortunately for this country, we have not got a committee of experts to examine into the feasibility of those schemes. Here, every man is supposed to be his own engineer and to examine for himself and draw his own conclusions. But supposing this scheme is a success, and we had a train running through to the Straits of Belle Isle, it would bring the ocean passage very close to the four days, even with the vessels that we have at the present time. We have other capitalists looking for charters for railways from Manitoba and Lake Superior to Hudson Bay. I am proud to say that I am an advocate of Imperial Confederation, and I shall be glad to welcome the day when some practical plan is proposed to work out that great question.

HON. MR. POWER—I had not proposed to say anything on this subject, but as there appears to be an awkward pause in the proceedings now, perhaps I may be allowed to say a few words. The hon. gentleman who has just sat down has told us with great emphasis that he is in favor of Imperial Federation and does not care who knows it. I like to see courage of that sort. It is a free country, and every one is entitled to hold whatever views he pleases on the subject of Imperial Federation. I have not given very much thought to the details of Imperial Federation. I think we are still a long way from it, and only when it appears that we are to have Imperial Federation will it be necessary, I should think, for us to sit down and devote our time to consider what particular form the federation is to take. It will strike an ordinary mortal that we have in Canada at the present time a sufficient number of political problems to wrestle with, without seeking outside for something further. I fail to see that there is the slightest necessity for us at the present time to consider this question. The system of government which we have is a pretty good one—as good as any almost that I know of—although I do not think that at the present time it is being administered in the best way. It is not being administered by the right people; but that is a difficulty which I hope we can soon get over without resorting to other colonies. I hope we shall be able to settle that question ourselves by-and-bye; but at present I do think we had better try and govern ourselves under the existing constitution. If any very serious evil consequences were following from the character of our constitution then I should be one of the first to propose an amendment; but I am not aware that there is any complaint of that kind. There is just one characteristic about this Imperial Federation subject which I think deserves more attention than has been called to it, and that is the fact that all past constitutional changes, or nearly all—certainly all constitutional changes that have been valuable and have been improvements—have arisen from a feeling amongst the bulk of the population acted on that some change was necessary. Now, in the case

of Imperial Federation there is nothing of the sort. You go to the farmers and lumbermen of Ontario and Quebec and New Brunswick, or the farmers and fishermen of my own Province, or the sailors of the Lower Provinces—men who fly the British flag in every quarter of the world—and you never find any of them talking about Imperial Federation. They do not know anything about it. They do not feel that they want anything of the sort. Who are the people who want Imperial Federation? I think the people with whom this discussion has originated are a number of very respectable and, as a rule, rather intellectual gentlemen, with a good deal of leisure time, who, in casting about for some means to occupy their learned leisure, lighted upon this Imperial Federation, and found it an interesting subject, and one that at some future day might possess some practical value. They discuss and write about it, and in that way create an impression that it is almost a live issue. Now, I do not think that it is in any sense a live issue; and we had better not trouble our heads with Imperial Federation, but had better try and improve the administration of our existing constitution to the furthest possible point; and if anything gets very wrong with our constitution try and have it amended. The proposals of the Imperial Federationists are very impracticable, and the inducements held out to us to part with a very considerable portion of our independence are so empty that I am surprised to hear gentlemen of good sense and prudence, as I have heard to-day, advocate such changes as are proposed. What have we to get in the way of trade—for after all that is the motive that most influences countries—what have we to get from England that we have not got now? We have free access to England's markets, and we cannot get anything very much more from her. There are practically no duties. One of the proposals is, that we could discriminate in favor of the mother country and the other colonies as against foreign countries. The hon. gentleman from Ottawa has pointed out that under existing treaties we could not do that. But suppose we could. If we were to take the duties off goods from England how would we get a revenue? It may be noted that the gentlemen who are strongest in favor of Imperial Federation are opposed to reciprocity with our neighbors. Now, if there is a difficulty in raising a revenue if we enter into reciprocal trade relations with the United States, where are we going to get a revenue if we enter into reciprocal trade with England? I did not intend to speak on this subject, and I shall only say in conclusion that while I think it is a very interesting matter to discuss, it would be premature for this House to commit itself to any such resolution as that introduced by the hon. gentleman.

HON. MR. PROWSE—I have not been in the House very long, but I should like to make one or two observations on this subject. I am sorry the hon. gentleman who introduced this resolution has done so in this way, because, like a former speaker, I feel in principle somewhat in favor of Imperial Federation; but whether I should be in favor of Imperial Federation in future as it may be submitted to us then I cannot say, because I want to find out and see on what terms the union is to be effected before I can give an intelligent opinion on the subject. It is said that there is nothing definite about this question, that nothing is laid down by which we can form an opinion of the scheme. I think it is a very wise policy to approach the question in that way. It would be unwise for our ablest statesmen to propound a system of federation cut and dried. I am reminded of the way the confederation of these Provinces was brought about in 1867. A proposal came from Nova Scotia to the Provinces of New Brunswick and Prince Edward Island for a maritime union. These Provinces approached the subject very cautiously and carefully. The Government of Prince Edward Island appointed delegates to meet delegates from Nova Scotia and New Brunswick on this subject, but they were not allowed to commit the Province to any scheme. They met and considered the question, and in doing so they were requested by the leading statesmen of old Canada to allow them to appear before the conference and discuss the broader question of Confederation. You know what took place. They held meeting after meeting and discussed the question of Confederation with closed doors. There was no cut and dried scheme prepared for them, but they sat down, as intelligent gentlemen, knowing the importance of the question they were considering, and considered it carefully, and what has been the result? The result

is this great Confederation, and I am glad to see here a gentleman who was one of the first delegates that came to Prince Edward Island to bring about the union. I think if my hon. friend from Shell River had proposed a resolution suggesting that the Government institute a conference of delegates from all the colonies of the Empire throughout the world, to be held somewhere, perhaps in London, to discuss this matter, so as to devise a plan, and after having thoroughly matured it the scheme could be submitted to the various colonies, and then we would be in a position to decide whether it would be something that would be acceptable to the Canadian people or not. Had the hon. gentleman proposed something of that kind I should have given it my support. It is said we have nothing to gain by Imperial Federation—that Great Britain admits our products duty free, and that we have every facility of intercourse and trade with the mother country now; but we know what our relations with the United States are, and I quite agree with my colleague from Prince Edward Island, when he tells us that the friction between the United States and Canada is not caused by hostile acts on the part of the Dominion, but by hostility on the part of the United States. I am not prepared to accuse any gentlemen on this floor or in this Dominion of being anxious for annexation, but we know there is a desire in the United States to absorb the Dominion. I know that that is the way they advocate commercial union in the United States to-day. They advocate it in the hope of bringing about a political union. They declare publicly that their scheme eventually means the annexation of Canada to the United States. That must be well known to gentlemen in this House who are continually advocating, and have advocated for years past, a policy of giving way to all the demands made by he United States upon this Dominion. I think the policy pursued by Canada in imposing a high protective tariff upon United States manufactures is a just and proper one for us to adopt. We have a large country, very sparsely populated, and we want to bring people into the Dominion. I do not believe in going to the extreme length advocated the other day, of spending millions of dollars for the purpose of bringing hundreds of thousands of people into this country. We should progress slowly, and be careful to select a good class of emigrants, and I think this country would be better off to-day if those who are residents of the Dominion now, and who are not in sympathy with our population, and have no faith in the future of our country, would take their departure for the good of the Dominion.

HON. MR. SCOTT—Name! name!

HON. MR. PROWSE—As I have said, this country is very sparsely populated. How shall we populate it? By giving a home market for the cultivator of the soil, and to do so we must build up manufacturing towns, we must develop our fisheries, mines and forests, and thus add to our consuming population. In doing that we give employment to our people at home in the manufacture of goods that we require, and we can export the surplus to foreign countries; but if we have to throw down the barriers we have raised, and allow the manufacturers of neighboring countries to come into our markets free, what would be the result? Our people would go to where the goods were manufactured. Those who remained would become hewers of wood and drawers of water for our friends across the border. If Imperial Federation means closer trade relations with Great Britain and her colonies, it will be a grand and beneficial scheme for the whole of the British people and for the world at large. Although the leader of the Opposition in this House has told us that there are barriers in the way I am not so hopeless as to think they cannot be removed in the course of time. It will take time and consideration, but what obstacle has ever daunted British statesmen. They have overcome almost every difficulty in the way, and they will overcome this. If we can only induce Great Britain and her colonies to make a discriminating tariff against the world I am satisfied that great good will result to Canada from Imperial Federation.

HON. MR. ABBOTT—At this late hour I do not propose to say very much. I hope my hon. friend from Shell River will meet the House in the feeling which has been shown, that as he has ably stated his views with reference to Imperial Federation and has elicited a great deal of interesting discussion, he will be content with

that and withdraw this resolution. But before I ask him to do that, I should like to say a word or two about this motion and one or two other matters. I remarked the line which my hon. friend from Ottawa took in this discussion, and was pleased, greatly gratified, and I am sure the House was also gratified, to hear his vehement declaration that the line of commercial policy that he desires to see carried out for this country was not calculated to increase the probabilities of political union with our neighbors—that if he thought it was he would abandon the idea rather than see it carried out. I think we were all gratified to hear that, although I do not think that anyone supposed my hon. friend was deliberately agitating for a political union with the United States. But the persistent assertion of his views, which we hear on that subject in connection with every discussion which comes before the House, reminds us of the old story of the head of King Charles I, which was always brought forward in discussion or writing by a gentleman in romantic history who was a namesake of my hon. friend. On this occasion it appears with its usual force, and it certainly produces this good impression on my mind, that it entirely exonerates the hon. gentleman from any idea that could be entertained that he favors political union. It led me to the conclusion, and many others, I have no doubt also, that if he persists in advocating commercial union or universal reciprocity it is not attributable to any want of confidence in his own country, or any want of loyalty to British connection, but simply from an error of judgment on his part, in supposing that by accepting it we would not be approaching political union.

HON. MR. SCOTT—No, no.

HON. MR. ABBOTT—My hon. friend may say no, but the authorities that I quote come from his co-workers in the United States more particularly. There is of course a universal denial on this side that any one who advocates commercial union desires annexation, but on the other side of the line, including the eminent Canadian who figures as leader in this movement, the universal argument, when used in that latitude, is that commercial union will undoubtedly lead to political union between the two countries.

HON. MR. SCOTT—Oh, no; Mr. Wiman denied it on every occasion.

HON. MR. ABBOTT—Yes; in Canada, but in his reported speeches on more than one occasion—it would be very easy to refer to them—he states distinctly that the success of his agitation would lead to closer political union between the two countries. The other advocates who had no double part to play, who were altogether Americans, have had the candor always to say and to hold out as an inducement to the American people to support this agitation that freedom of trade between the two countries would bring about political union rapidly.

HON. MR. SCOTT—It would defeat it.

HON. MR. ABBOTT—I do not think there can be any doubt, if my hon. friend would consult the authorities to be found on the other side of the line, that he would find that, without a single exception, the advocates of the agitation on that side of the line advocate it as leading directly to the annexation of Canada to the United States.

HON. MR. POWER—No.

HON. MR. ABBOTT—My hon. friend says no, but I do not propose further to make it a subject of this debate. It is only incident to it, and I have been led to it by my hon. friend's earnestness as advocating that as being preferable to the theory of Imperial Federation. There is just one other point in my hon. friend's speech to which I wish to refer. He complains of us to-day, as he did when we adopted the Fishery Treaty, and on former occasions, as being the cause of the trouble which exists occasionally between England and the United States. It is our misconduct, according to my hon. friend——

HON. MR. SCOTT—No; I did not say that.

HON. MR. ABBOTT—The hon. gentleman did not use the word, but he represented that it was our conduct which causes the friction between England and the United States. He alluded in an incidental way to the fisheries on the Pacific and Atlantic, and the duties on packages; and he spoke of those things as incentives to dispute which we were constantly

flinging into the arena, provoking conflict by our lad temper and harshness towards the United States. It is very odd that two years ago we agreed with the United States about those fisheries. We made a treaty with them which we approved of, a treaty in which we made considerable concessions. My hon. friend, I think, was one of those who referred to the great extent of those concessions to the United States. The United States, as far as their authorized representatives were concerned at the time, appeared to be thoroughly satisfied with them.

HON. MR. MILLER—The Government of the United States also approved.

HON. MR. ABBOTT—It was not we who broke up this treaty; it was the United States. We had a treaty with them formerly which gave them the free use of our fisheries. Who broke up that treaty? It was not us; it was the United States. It was they who returned to the *régime* of 1818, not we, and when a new treaty was proposed to us, placing things on a more reasonable and amicable footing, we approved of it. It was not we who refused; it was they. When my hon. friend speaks about putting duties on packages I ask him, who taught us to do so? When they agreed to give us free entry of our fish to the United States markets they neutralized that by putting a duty on packages. They were our instructors on that occasion; but my hon. friend did not find fault with them.

HON. MR. SCOTT—Yes; I said they were very grasping and aggravating; but it takes two to make a quarrel.

HON. MR. ABBOTT—The aggravation, I heard my hon. friend say, was on this side of the line. What would my hon. friend have us do with regard to the fisheries? Shall we give them up? Shall we hand them over the Atlantic fisheries? Shall we submit to outrages on our fishermen on the Pacific? We can make friends of them, as the little boy at school made friends of the big boy, by giving him all his pocket money and marbles. If we give up everything they may from time to time demand from us we may procure peace, but it is at a price that I for one will never agree to pay, a price that this House, I am sure, will never sanction as long as it exists, and the country will support the House in its refusal to do so. I am sorry to take the time of the House so long in discussing this question, but when my hon. friend expresses views which militate so strongly against mine I cannot refrain from giving him the benefit of as much contradiction as I possibly can.

With reference to the motion before the House, I do not think my hon. friend from Shell River has placed himself in the position to have the theory of Imperial Federation favorably debated. The subject is one of very great magnitude indeed. It branches almost beyond the limits of our understanding. It is really a study for a lifetime to know what it is, to know whether it is needed or not, to know what it should consist of, what we should give and what we should receive; and at this moment I believe there is a large society of influential and intelligent people engaged in discussing this particular subject from time to time, and endeavoring to formulate some plan of Imperial Federation which would commend itself to the understanding of our people. Now, Imperial Federation in the abstract, that is to say, the binding us more closely to England by ties of amity, and by mutual arrangements beneficial to both, is an idea that must naturally appeal to every Canadian, and I think it does; but the difficulty about it seems to be that it is impossible to define any mode by which this Imperial Federation can be carried out, any principle upon which a mode of federation can be framed, and in fact it has so far proved to be impossible to approach the subject with any definite proposition of any description whatsoever. My hon. friend, I believe, is the first person who has placed of record in a tangible form a proposition for the confederation of the colonies with the mother country. That society to which I have referred failed to do so. The speakers and the periodicals which advocate Imperial Federation have failed to do so, and this is my hon. friend's own suggestion. I do not think it necessary to go into the various questions which might arise if my hon. frend's suggestion were taken up as a substantive proposition which we should discuss and debate, and if possible put in shape for progress, because it involves, to my mind, so many impossibilities. In the first place, it seems to me entirely unconstitutional. How is it possible that an elective body like the

House of Commons could receive members capable of voting in it who are appointed by the Governments of different Provinces and countries? That is foreign to the principles on which the House of Commons is constituted. The Privy Council is a sort of committee of the House of Commons, selected by the party leader and approved by the Sovereign, which conducts the business of the country so long as it possesses the confidence of the House of Commons. The moment it loses that confidence it retires. There is nothing analogous to this constitution in my hon. friend's proposition, that a member of the Council should be appointed by the Government of Canada; and if he were appointed, what would be his position? Would he retire with the retirement of the Government of the day? Would he need to be in harmony with the general politics of the Government of the day? I could ask a good many more such questions, I think, but the result would appear to me to be, that he would have to be a sort of excresence on the Privy Council, without any standing or constitutional position, and, I think, without much value to anybody concerned. Then, with regard to the House of Commons: if we were going to negotiate with Great Britain for a representation in the House of Commons we, I hope, represent now above 6,000,000 of people. Are we to be content with one representative for the Dominion? That seems to me to be out of the question. If we are to be represented in the House of Commons we must send representatives there elected by the people, who would go there as men representing a certain number of intelligent voters, and who should not go there as the mere nominees of a party Government, which is the Government we must necessarily always have in this country. If 6,000,000 of people are to be represented in the House of Commons they must be represented by a larger number, selected by a better mode of selection than my hon. friend proposes. Again, this scheme of federation must surely not be confined to Canada. The federation would not be solely between England and Canada. The federation which is contemplated and about which so much is said and expected would be a federation between England and her colonies. Have we any reason to suppose that the other colonies would be content with this representation in the British House of Commons and the Privy Council, or if they would claim such representation, or if they did, that it would be accorded to them? I do not think we can say that we have had any communication with other colonies showing that they desire representation in the Imperial Parliament. These are questions which naturally come up and which, I think, every one must feel must be discussed, and not only considered alone, but discussed in common with those others who are interested in this federation as well as ourselves. Then, if we are allowed representation in the British House of Commons of any kind, what are we to give for it—how much of our independence and control of our own affairs is to be surrendered when we obtain from the Empire the right of having our members sitting in the Imperial House and having a voice in its councils, even if that voice be only with regard to its colonies? Some hon. gentleman spoke —perhaps it was the mover of the resolution—on the advantage of having some one to assist in teaching the Imperial Government how to govern Canada. They do not govern us; we govern ourselves. We do not want them taught how to govern us, because we receive no government from them. We control our own affairs and the principles which govern our commercial and financial interests. We have the liberty, under our constitution which Great Britain has granted us, and in the enjoyment of which she protects us, of regulating those ourselves, and they are not regulated by the British House of Commons. It has been a theory, I know, with the advocates of Imperial Federation, that other concessions would be required of us if we were to enter into such relations with the Imperial Government. There are contributions talked of by the advocates of this scheme to the defence of the Empire in money and in men. There are contributions, too, of ships, and there are many other concessions which are talked of as being likely to be required from us in the event of Imperial Federation. These are serious subjects. It is a great question whether a representation of ten times as many people as my hon. friend proposes to represent us in the Imperial Parliament would justify us in allowing the Imperial Parliament to exercise powers over us that they do not

now possess. We should approach such a subject with a great deal of care and caution. Without, therefore, saying that I am opposed to Imperial Federation—because that would not be true—I say this, that I am not prepared to say that I am an advocate of Imperial Federation until I learn of some scheme or plan by which our position will not be impaired, and by which our relations to our Imperial mother will be improved. When I hear of a scheme of that description I shall become an advocate, I dare say, of Imperial Federation, provided it does not involve too great sacrifices on our part. Until I do, I sympathize with all the expressions of affection and loyalty towards the Imperial Government and the Crown most heartily, and I say when you show me how we can carry out in practical shape the feelings which we undoubtedly all have on this subject, with a just regard to our own freedom and general interest, I shall become as ardent a supporter of the principle of Imperial Federation as anyone else. Until that comes, I must suspend my opinion as to its merits, and hold myself aloof from any agitation in favor of it which may compromise me or my country to a greater degree than I think is justified by the advantages to be obtained by it. I hope my hon. friend will not press his motion to a vote.

HON. MR. BOULTON—I have great pleasure in acceding to the wish of the hon. leader of this House, and the generally expressed desire of the Senate to withdraw my resolution. The object I had in bringing it forward was to create the discussion which has taken place this afternoon, and I have to thank the House for the attention they have given to the subject.

The motion was withdrawn.

BILL INTRODUCED.

Bill (90) "An Act to amend the Act incorporating the Manitoba and South Eastern Railway Company." (Mr. Girard).

The Senate adjourned at 6:15 p.m.

THE SENATE.

Ottawa, Friday, March 14th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were reported from the Committee on Railways, Telegraphs and Harbors, and were read a third time, and passed without debate:—

Bill (61) "An Act to amend the Act to incorporate the Lake Manitoba Railway and Canal Company." (Mr. Girard.)

Bill (80) "An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company." (Mr. McKindsey.)

Bill (55) "An Act to incorporate the Shore Line Railway Bridge Company." (Mr. Wark.)

INTERPROVINCIAL BRIDGE CO.'S BILL.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (54) "An Act to incorporate the Interprovincial Bridge Company," with an amendment. He said: This amendment concurs in the clause which fixes the time for commencing and completing the work as being two and five years respectively. It is a mere verbal amendment.

HON. MR. CLEMOW—Perhaps I may say that the clause as it appears in the Bill is similar to that in all other such Bills as have passed through the House this Session, and I do not see why exception should be made upon this occasion. I think that the term of two years and five years is quite sufficient, without incorporating the other part of the amendment, which pratically means nothing. Therefore, I think the House should not concur in this amendment.

HON. MR. MILLER—The hon. gentleman had better move that the House take the amendment into consideration on Monday next. A report sent up here by an important committee, such as the Committee on Railways, Telegraphs and Harbors, should not receive such summary consideration.

HON. MR. CLEMOW—In accordance with the suggestion of the hon. gentleman from Richmond, I move that the report be taken into consideration on Monday next.

The motion was agreed to.

ESCAPES FROM INDUSTRIAL SCHOOLS IN ONTARIO BILL.

WITHDRAWN.

The Order of the Day being called,—Second reading of Bill (S) "An Act respecting Escapes from Industrial Schools in Ontario."

HON. MR. ABBOTT said: This Bill, I think, will require considerable modification, and upon the whole I propose to have this Order discharged and to introduce a new Bill. I therefore ask permission to withdraw the Bill.

The Bill was withdrawn.

SAMUEL MAY RELIEF BILL.

SECOND READING POSTPONED.

The Order of the Day being called,—Second reading of Bill (16) "An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May."

HON. MR. MACINNES (Burlington) moved that the Order of the Day be discharged and that the second reading take place on Tuesday next.

HON. MR. POWER—I think there was a sort of understanding that this Bill was not likely to be proceeded any further with. I do not know that the hon. gentleman from Burlington quite concurred in the view expressed by the leader of the House and some other gentlemen here, but I think there ought to be some understanding that on Tuesday next the Bill should either be proceeded with or dropped. I may mention, in connection with this Bill, that the very thing which the leader of the House predicted would happen has already happened. Another Bill has been introduced in the House of Commons for the purpose of doing the same thing with respect to some other patentee that this Bill proposes to do with respect to Mr. May.

HON. MR. ABBOTT—I may say that my hon. friend represents to me, and, I have no doubt, correctly, that there are certain special circumstances connected with this Bill that he thinks might make an impression on the House, and he desires to get his information from Toronto and to have time to do so.

HON. MR. MILLER—The hon. gentleman has made a motion which is often made in this House, and it is unusual for any member to object to such a motion when made by the promoter of a Bill. The hon. gentleman from Burlington can do just as he pleases with his Bill—go on with it to-day, or postpone it to another day, or drop it.

HON. MR. MACINNES (Burlington)—The hon. member from Halifax is nothing unless he is critical. I think he feels himself entitled to be the semi-leader of the Opposition in this House. It would be more becoming on his part if he would allow the real leader to be heard from occasionally. It is always a pleasure to hear the real leader, whether we agree with his ideas or not. His arguments are always clear and to the point, and it appears to me that the semi-leader is always looking out for an opportunity to raise an objection to anything that may occur.

HON. MR. POWER—I do not lay any claim to any position in this House; I do not assume to be anything but what I am exactly. Possibly there are certain other gentlemen who would not do ill if they followed my example in that respect. I did not question the hon. gentleman's right to make his motion. I did not object to his motion, but I suggested that there ought to be some understanding that when Tuesday came the Bill should either be proceeded with or abandoned. There is nothing unusual or improper about that. The hon. gentleman asked for an extension of time, and I simply suggested that when the time came for a second reading he ought to be asked either to go on with the Bill or let it drop.

HON. MR. MACINNES (Burlington)—I have made a motion that is usual in this House, and I beg to inform the hon. gentleman that we do propose to go on with the bill on Tuesday next.

The motion was agreed to.

ST. CATHARINES AND NIAGARA CENTRAL RAILWAY CO.'S BILL.

THIRD READING.

HON. MR. MCCALLUM moved that the report of the Select Committee on Railways, Telegraphs and Harbors on Bill (69) "An Act respecting the St. Catharines and Niagara Central Railway Company," be concurred in. He said: On consultation with the solicitor from the city of Hamilton and with the promoter of the amendment of which notice is given, they came to the conclusion that they would withdraw the amendment.

HON. MR. MACINNES (Burlington)—I beg to confirm what the hon. gentleman has said with reference to the amendment of which notice was given by Mr. Sanford. He informed me before going away that he wished to withdraw that amendment.

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

MONTREAL AND WESTERN RAILWAY CO.'S AGREEMENT BILL.

SECOND READING.

HON. MR. LACOSTE, in the absence of the Hon. Mr. BOLDUC, moved the second reading of Bill (82) "An Act to confirm an Agreement between the Montreal and Western Railway and the Canadian Pacific Railway Company."

HON. MR. POWER—Perhaps the hon. gentleman will explain the object of the Bill.

HON. MR. LACOSTE—The Montreal and Western Railway Company is a line extending from St. Jerome to Lake Temiscamingue. There is an agrement between this company and the Canadian Pacific Railway Company, which this Bill is intended to confirm.

HON. MR. MILLER—We will find out all about it in the Railway Committee.

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

BILLS INTRODUCED.

Bill (58) "An Act respecting the Brantford, Waterloo and Lake Erie Railway Company." (Mr. McCallum.)

Bill (99) "An Act to incorporate the Owen Sound and Lake Huron Railway Company." (Mr. McKindsey.)

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Monday, March 17th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

HON. MR. KAULBACH—Before the Orders of the Day are called, I rise to a question of privilege. I notice in some of the newspapers that I am reported as having opposed the second reading of the Interprovincial Bridge Company's Bill as destroying the landscape, interfering with the adjoining grounds, and that the busy hum of industry would interfere with our legislation and the convenience of members of Parliament. I disclaim having made any such utterance; in fact, when the Bill was before us, I remember when the senior member from Halifax opposed the Bill on somewhat similar grounds, I joined issue with him, and said that from what I knew of the locality where the proposed bridge was to be I thought no inconvenience of the kind would result. I would let that pass if it were not for something which followed it, which I find in the Ottawa *Evening Journal.* I am there reported as having, in the Railway Committee, last Thursday, made use of language which would shock the sense of decency of members of the committee had I done so. The *Journal* says, in its report of the proceedings in the Railway Committee:

"Senator Kaulbach frequently invoked the Deity that the amendment might pass. The officials in the House and Departments did not want the noise. He had not objected to the Canadian Pacific Railway passing his home, but it was an infernal nuisance."

I need not say to hon. members who were present that my utterances in the committee were entirely in favor of the Bill without any amendment. I disclaim the paternity of any such remarks as the *Journal* attributes to me. If they were uttered they were not uttered by me, and I take this opportunity to explain that I did not make them, and I trust that the

Journal and other papers that have misreported me will correct the error into which they have fallen. On the face of the report, it shows that the remarks could not have been mine, for the Canadian Pacific Railway does not pass my house. I live down in Lunenburg, N. S.

MARRIAGE WITH DECEASED WIFE'S SISTER ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, the consideration of Bill (U) "An Act to amend 'An Act concerning Marriage with a Deceased Wife's Sister.'"

On the 1st clause,

HON. MR. POWER said: I moved an amendment to this clause of the Bill when it was in committee before. The amendment was at the beginning of line 11, to strike out "daughter" and insert "niece," and in the same line further on to strike out "wife's sister" and insert "wife." It would read that all laws prohibiting the marriage between a man and his deceased wife's niece shall be repealed. That is the necessary consequence of the legislation we have already passed.

HON. MR. ALMON—When the hon. senior member from Halifax first proposed that amendment, as I wished this Bill to pass without opposition, and through my natural equaminity of temper, I agreed to it; but on looking over it carefully I do not see that it would be any improvement on the Bill—on the contrary, it would be rather an impediment. It would raise a question which I am not prepared to go into, that we ought, when we allow a man to marry a deceased wife's sister, to allow a woman to marry her deceased husband's brother. As we did not approve of that, I think it would be opening anew the question, and impeding the progess of the Bill. I shall therefore oppose the amendment.

HON. MR. MILLER—I should like to hear the opinion of the leader of the House on this question, as it is a legal one. I agree with the remarks from the junior member from Halifax (Mr. Almon), and I gave an intimation of this opinion when the senior member from Halifax (Mr. Power) made his motion the last time this Bill was before the committee. The Act authorizing marriage with a deceased wife's sister is clearly designed to extend that provision to the female side of the house only. It did not intend, nor did it extend the principle to the male side of the house. The amendment proposed now by the hon. senior member from Halifax would not be in consonance with the spirit of the Act which this Bill proposes to amend. It goes further, and includes both sides of the house, whereas the Bill and the Act which it is proposed to amend include only the female side of the house. I think there is a good deal of difference between the permission as granted on the female side and as granted on the male side. At any rate, legislation has not yet gone so far with us as to extend the permission granted to the deceased wife's sister to the deceased wife's brother or to the male side of either of the parties. I do not like, besides, the general term "deceased wife's niece." There may be consanguinity. For instance, the deceased wife's sister may have married a husband related by consanguinity to the man who desires to marry his deceased wife's niece, and therefore it might be well perhaps to guard against anything of that kind occurring under this Bill. But the amendment destroys the sequence, as it were, between the husband and the niece, by tracing it to the daughter of the deceased wife's brother. I think the Bill as it stands makes it more clear, and the sequence is very necessary to preserve the intention of the Act. I hope, therefore, the committee will not alter the phraseology of the clause as recommended by the senior member from Halifax.

HON. MR. ABBOTT—For my part, I must say that I am not favorable to the law as it stands, and therefore I am not particularly favorable to the amendment which the hon. member proposes to introduce. At the same time, the law is in existence, and I think there is a certain logical sequence in what my hon. friend the junior member from Halifax proposes, although it is not supported by the main reason urged by the advocates of marriage with a deceased wife's sister. The main reason that I have heard in long debates in this country and that I have read in reports of debates elsewhere, has always been that the wife's sister very often acquires such a position in the house with regard to the sister herself and with re-

gard to the sister's children that she is in reality the best and most proper person to take her place in bringing up the children after her sister's death. That is really the strongest reason that I have heard urged in advocacy of the law allowing this kind of marriage, and in my opinion it is the reason which produced the strongest effect and ultimately resulted in the Bill becoming law. No such reason exists in the case of the wife's sister's daughter. At the same time, it is apparently a logical sequence of the Act, so far as the rules of consanguinity are not affected. I should insert some words in the Bill to guard against a contingency which might happen. It is not at all uncommon that two brothers marry two sisters. This Bill would enable a man to marry his own niece.

HON. MR. MILLER—Do you not suppose that the general law would prohibit anything of that kind? I thought so, but I thought there might be other degrees which it would be wise to guard against.

HON. MR. ABBOTT—It is quite possible that the general law, which prohibits that kind of marriage, might be construed as having some operation, although this Bill expressly authorizes a man to marry his deceased wife's sister's daughter without any limitation whatever, and I think it would be prudent to insert these words: "in so far as such marriage is not prevented by any other relationship of consaguinity."

HON. MR. MILLER—Or "in the absence of any relationship by consaguinity."

HON. MR. ABBOTT—In the absence of any other objection arising from consanguinity. If my hon. friend would insert that I would not object to his Bill, but I would be decidedly against extending it any further.

HON. MR. ALMON—I have no objection to that.

HON. MR. POWER—I quite concur in the suggestion made by the hon. member from Richmond and agreed to by the hon. leader of the House, as to the desirability of guarding against a man marrying his own relation who also happened to be a niece of his deceased wife, but I do not see the force of the objection to marriage with a deceased wife's niece. The hon. gentleman from Richmond spoke of that as a violation of the principle that had been apparently admitted, in dealing with the existing law, allowing marriage with a deceased wife's sister. My amendment does not propose to allow any marriage with a relative of a deceased husband. The law does not allow a widow to marry a brother of her deceased husband. My amendment simply deals with the female side of the house; and if a man may marry his deceased wife's sister, *a fortiori* he might marry his deceased wife's niece, who is one degree further removed from him. The deceased wife's brother is not related in blood at all to the widower, and there is no reason that I can see in logic, no reason in the nature of things, why, if we allow marriage with a deceased wife's niece by her sister, he should not be allowed to marry a niece by his deceased wife's brother. I can quite appreciate the objection of the hon. leader of the House who is opposed to marriage with a deceased wife's sister. I opposed that myself, but Parliament having allowed such marriages, we must, to be at all consistent, allow marriage with a deceased wife's niece.

HON. MR. ABBOTT—As long as the proposal is confined to marriage with a deceased wife's sister's niece it is quite consistent with the existing law, and a logical sequence of it, but by the amendment it is proposed to authorize marriage with the daughter of a deceased wife's brother. The marriage of a woman to her deceased husband's brother was never proposed and would not be sanctioned, though logically it involved the very same violation of the laws of affinity as the Bill which actually became law. This Bill would extend the privilege of marriage to the daughter of a deceased wife's brother, which would be regarded in quite a different light from marriage with the daughter of a deceased wife's sister.

HON. MR. BELLEROSE—I am just as much opposed to this Bill as I was opposed to the passage of the Act authorizing marriage with a deceased wife's sister. One important reason for my opposition is that this question, in my opinion, is not one which pertains to this House. It was well understood, at the time of Confederation, as those who were at the Conference can remember, that all questions relating to marriage would remain within the jurisdiction of the Provinces, and that the

Federal authorities should have nothing whatever to do with the subject, except to possess the power of declaring that a marriage contracted in any one Province should be recognized as valid in all other Provinces of the Dominion. That was promised at the time by those who took part in the Quebec Conference; but as you will see by reference to the Confederation *Debates*, Sir John Macdonald, Sir Hector Langevin and Sir Alexander Campbell, who were Ministers at that time, pledged their words of honor before the Parliament which sat at Quebec that the question of marriage should never be interfered with by the Federal authorities. When the Deceased Wife's Sister's Bill was before Parliament eight years ago I raised the same objection, and Sir Alexander Campbell did not deny the fact which I have just now stated. He said: "I do not deny the fact, but we have not to-day to look at what we said and promised then: we have to look at the law as it stands." It is awkward that anyone who desired to be recognised as a gentleman should be obliged to say that he had made a promise that he was not prepared to observe. Sir Hector Langevin, in his place in Parliament, said, not only in the name of the Government, but in the name of the delegates from the four Provinces, that marriage would be within the jurisdiction of the Provinces, and that when they went to England they would take good care that the desire and intention of the conference should be carried out. It is extraordinary that we should have been deceived as we were, and I still believe that if the Act authorizing marriage with a deceased wife's sister were to go to the Privy Council it would be set aside. I was happy to find that when the question first came up here, eight years ago, there were some members from the different Provinces who united with us in protesting against the passage of the Act authorizing marriage with a deceased wife's sister. Among the names of the dissentients, I find that of the hon. member from Amherst. The protest is as follows:—

"DISSENTIENT.

"First.—Because the Bill is contrary to the principles of sound legislation.

"Second.—Because the passing of the Bill is an encouragement to a class of marriages which have been generally discouraged and regarded with disfavor by christian churches and legislators throughout the world, from the earliest days of christianity up to the present century.

"Third.—Because the natural tendency of the Bill is to disturb and disarrange domestic relations, which have been settled and recognized for many centuries, and to introduce confusion and trouble into families.

"Fourth.—Because the Bill is contrary to the spirit of christianity.

"Fifth.—Because it is very doubtful whether the Parliament of Canada has power to pass the Bill, for the reason that the subject matter thereof seems to be one of the matters placed by the British North America Act, 1867, within the exclusive jurisdiction of the Legislatures of the Provinces.

"Sixth—Because the Bill deals with a matter which, by virtue of the treaties between France and England, respecting the cession of Canada to the latter power, was to be regulated by the system of law existing in Canada at the time of the said cession, and which, by virtue of the said treaties and of various Acts of the Imperial Parliament relating to Canada, including, amongst others, the Act 14 George III, chapter 83, and the British North America Act, 1867, is to be regulated by the system of law now prevailing in the Province of Quebec and by the Legislature of that Province.

"Seventh.—Because the Bill is contrary to the spirit of the British North America Act, 1867, and to the intentions of the framers thereof, as shown by the declaration of the Canadian Government at the time of Confederation, 1865.

"Eighth.—Because the evidence before the Senate as to the popular sentiment on the matter goes to show that the sentiment is hostile rather than friendly to the proposed change.

"J. C. CHAPAIS,
"J. BOURINOT,
"H. A. N. KAULBACH (1),
"DAVID WARK (2),
"W. H. CHAFFERS,
"F. X. A. TRUDEL,
"C. CORMIER,
"L. G. POWER,
"R. B. DICKEY (3),
"J. F. ARMAND,
"J. O. BUREAU (4),
"A. VIDAL, (5)
"M. A. GIRARD,
"J. S. CARVELL (6),
"W. H. ODELL (7),
"G. W. ALLAN (8),
"W. J. MACDONALD (9),
"JOSEPH NORTHWOOD,
"L. DUMOUCHEL,
"JOS. H. BELLEROSE."

(1) For the 1st, 2nd, 3rd, 4th and 8th reasons.
(2) For the 2nd, 3rd, 4th and 8th reasons.
(3) For the 1st, 2nd, 4th and 8th reasons.
(4) For the 1st, 2nd, 3rd, 4th, 6th and 8th reasons.
(5) For the 1st, 4th and 8th reasons.
(6) For the 1st, 2nd, 4th and 8th reasons.
(7) For the 1st, 2nd, 3rd, 4th and 8th reasons.
(8) For the 1st, 2nd, 3rd and 4th reasons.
(9) For the 1st, 2nd, 3rd, 4th and 8th reasons.

The House should pause and decide whether they should encourage legislation which may lead to trouble. There is the other reason which I have already given, that there are in Canada churches that believe that the civil authorities do not possess exclusive power to deal with the question of marriage—that while they may deal with the civil part of the contract the

church has to deal with the other and the principal part. In Canada, where those two classes of christians exist, legislation should protect both, and if this Bill contains something of the kind I should not object to it. It should contain words to the effect of those that I proposed on a former occasion, and to which I still adhere, providing that a man may marry the daughter of a sister of his deceased wife, provided the church to which he belongs acquiesce in the marriage. Then if there is an ecclesiastical impediment the church can give a dispensation and the marriage would be valid, not only by civil contract, but also by the church. But as the Bill stands, I am bound to call it immoral legislation, because it does not go far enough; therefore, we should not pass it. Without such an amendment as I suggest I shall vote against the Bill at every stage.

HON. MR. KAULBACH—I agree with my hon. friend in a good many of his remarks, and I may say that I took the same ground against the Deceased Wife's Sister's Bill; but I think there is a provision in the law at present that it is not compulsory on any of the churches to perform this ceremony; still, it places them in a very awkard position, and many persons, in order to have such a marriage ceremony performed, go outside of their own churches to have it done, which I consider derogatory to the public interest. Under the proposed amendment people might go from one Province to another to evade this provision, as we now evade the law by going over to the United States to have this ceremony performed. I anticipated this Bill as being a natural outcome of the passing of the Deceased Wife's Sister's Bill, which I disapproved of, on the same ground that I disapprove of this Bill, as being vicious legislation, and I think the amendment proposed by the hon. gentleman from Halifax will complicate it still further.

HON. MR. MILLER.—The question raised by my hon. friend from Delanaudière was one which was raised at the time the Act now on our Statute-book, permitting marriage with the deceased wife's sister, was before this House. It was not only raised in this House, but was raised also in the House of Commons, where it was fully discussed. I am sure it must be in the recollection of hon. gentlemen who were present on that occasion the answer that was given and the clear case which was made out as to the necessity for such a provision being inserted in that Bill. If such a proposition had been inserted in the Act now on our Statute-book I would have voted for it, and in doing so I consider I would have been only keeping pace with the enlightened intelligence of the age, and perhaps we could not refer to any better authority than to the feelings which have prevailed for many years past in the British House of Commons on this subject. With regard to making any provision in favor of the churches—that is, that a marriage such as is contemplated by this Bill should not be binding unless it has the sanction of the particular church to which the individuals belong,—I have this to say, and I say it particularly in connection with the church to which my hon. friend belongs. During the discussion to which I have just now alluded, which took place in this Parliament some few years ago, circulars, or rather declarations of opinion of the Roman Catholic bishops of England and the Roman Catholic bishops of Ireland were freely circulated amongst members in both branches of Parliament, and the position the hierarchy of the old country took,—and I think it was the same position taken by the hierarchy of Canada—was this, that while the church did not look favorably upon such marriages, there were cases in which it was advisable and very often necessary that they should be permitted, and in these cases the church granted dispensations permitting such marriages. The bishops themselves contended that it was desirable when the churches thought it necessary to grant dispensations to make such marriages spiritual marriages that they should be in accord which the law and make them legal marriages as well. I think that was the position taken by the bishops of the Roman Catholic Church, although I do not undertake to be an exponent of the ideas of the Bishops on this or any other question. Their views were in favor of permitting such a Bill becoming the law of the land, because in all cases where Roman Catholics desire to remain members of that church, they could not enter into such marriages without a dispensation, and therefore the church had absolute control over them in that respect. If a Roman Catholic enters into a marriage permitted by this Bill or

the Deceased Wife's Siter's Bill without the sanction of the chuch, he cuts himself clear of the church—he is no longer a Roman Catholic, and therefore the church retains as much control over him as it did before such an Act was passed. Other churches can do the same thing if they think proper, and in my opinion, therefore, there is quite sufficient protection for the churches in regard to permitting marriages of this kind. I think the proposition of my hon. friend, if accepted, might have the effect of endangering the Bill in another place where this question was fully discussed on a previous occasion, and where a proposition to put in such a clause was not entertained. At the proper time I will move an amendment in regard to the second clause, providing for a case of possible consanguinity relation of the daughter of the deceased wife's sister.

HON. MR. BELLEROSE—The hon. gentleman is about right in what he said in regard to the last Bill, but that makes no difference as to the arguments I used, for I say it would be immoral legislation, and why? Because when we legislate we legislate for the people as a whole. Say there is one-half or one-third or one-fourth of the population whose creed is that the civil authorities have no right to interfere with marriage, except as regards the civil contract, while the remaining portion of the population believe that the civil authorities have the whole right. In amending the Bill in the way I suggest, if the parties have received a dispensation from their church, then it is moral legislation; but supposing you do not amend it in that way, and supposing that some Roman Catholic who does not pay much attention to his church and its teachings should propose to marry the daughter of his deceased wife's sister, and goes to the bishop for permission to do so, and the bishop says: "Under the circumstances in which you are placed, I cannot grant you a dispensation." He may reply: "I don't care for your dispensation; the civil law is in my favor and I will marry." Is it not immoral legislation that permits such a thing?

HON. MR. DEVER—No.

HON. MR. BELLEROSE—I say it is immoral, because the church teaches that the civil authority has nothing to do with these dispensations—that the church alone regulates them. Therefore, for one-third of the population it is an immoral law, because it gives to those who are not quite in accord with the church a chance of avoiding the ecclesiastical law under which they must live if they are to remain Catholics. To live in such a state of matrimony without the sanction of the church would be immoral. Then, if it is immoral as to Roman Catholics, the legislation should be amended, so as to protect both classes of christians—the Roman Catholics on one side and the other churches on the other side.

HON. MR. DEVER—I would be one of the last, I think, to run counter to the doctrines or morals of that church to which I very humbly presume to belong; at the same time, I fail to see that the reasoning of my hon. friend opposite corresponds with the theology or the rules of that church with regard to matrimony. I do remember distinctly when the debate took place in this House on the Deceased Wife's Sister Bill, that one of the principal authorities brought to bear on that subject was Cardinal Manning. I think Cardinal Manning's opinion was asked, and he was one of the strongest authorities quoted in favor of that Bill, and if so good an authority as Cardinal Manning was in favor of the principle of that Bill I think that laymen here have no right to set up their individual opinions in opposition to that of so able a theologian. At all events, I fail to see the philosophy of my hon. friend opposite suggesting a case where parties make application to their priest or bishop to perform the marriage ceremony, and meeting with a refusal they go to another church and get married. He says in that way it will encourage immorality. I say to the contrary. I say that so long as a Roman Catholic refuses to accept the dictum of properly constituted authority within the church, that moment he ceases to be a Roman Catholic, whether this Bill becomes law or not; consequently, I cannot see that it is encouraging immorality. Besides, I do not see what right I have to urge my opinions in contradistinction to the large majority in this House who do not look upon marriage in the same light as we do. We claim that marriage is a sacrament of our church, and we, as good Catholics, will only receive it as such, no matter what the law may be. I claim the right as a Catholic

to hold those views; at the same time, I do not claim any right to interfere with the opinions of other gentlemen who do not entertain the same views on this question, nor do I see why we should put ourselves in the way as obstructionists. It is quite enough for us to enter into the state of matrimony under such rules as our church directs, and to allow other gentlemen the liberty to enter into the ceremony in the way the law of the land permits. We should allow those who have entered into the marriage contract in the past with a deceased wife's sister as a civil contract to follow that line out to its logical conclusion. I feel that it is very unpleasant, this perpetual introduction of religious views into our legislation. I do not see that we laymen have anything at all to do with it, unless we are called upon to do so by our church. I never was called upon to interfere in this matter, and I am not aware that any clergyman of my church is opposed to the legislation that we assisted in passing through this House in relation to marriage with a deceased wife's sister. On the contrary, I think that they are much pleased with it, and it is quite time enough for me, at all events, to resist such legislation when I am called upon by the authorities of my church to do so.

HON. MR. DICKEY—I did not intend to take any part in this debate, but my hon. friend opposite (Mr. Bellerose) has made such pointed references to me that it could hardly be expected I should remain silent. He has referred to me as one of the protestants against this Bill, and he has also referred to me as being one of the members of the Quebec Conference. I am sorry to say that I am now the only member in this House who was a member of that Conference, and I have naturally a general recollection of all that took place there. At the same time, I am not in a position to remember any of the incidents my hon. friend has spoken of, circumstances which I presume would not come within my knowledge at the time, because they related to another section of the Conference, and to a different class of persons from those with whom I was brought into immediate contact. My hon. friend has referred to the protest that was signed on the occasion of the passage of the Bill permitting marriage with a deceased wife's sister, and has quoted my name amongst others, but I think he ought in all fairness to have stated that I certainly did not raise the objection which he now urges, that it is contrary to the British North America Act, because I did not make that one of the grounds of my protest on that occasion. Many of the hon. gentlemen who signed that protest, myself amongst the number, have thought proper to state which and what number of the grounds read by the hon. gentleman from Delanaudière they adhered to as the reason of their protest, and he has failed to find amongst those opposite my name such reasons as he has quoted for me. On the contrary, I am excluded from those quotations which he has read as being contrary to the British North America Act, and the reasons I gave were entirely different for the course that I took. I must just state that I opposed that Bill with all my power at the time. I was one of the violent opponents of it. It ultimately passed by a narrow majority of two, and it now being the law of the land I have quite made up my mind to support this Bill, because it is the logical sequence to that Act. I dislike taking up past issues, and I think it is very much to be deprecated that we should do so. With regard to the British North America Act, my hon. friend undertakes to say that there were pledges given at the Quebec Conference that I know nothing of, and that it is contrary to the understanding on which the British North America Act was based to legislate on this subject. As I have always understood the law, it is quite clear that the marriage contract itself, and the persons who should be competent to make it, are matters entirely within the powers of the Federal Parliament; but that the ceremony and the mode of carrying it out—for instance, the question of license or banns, or whatever it is—should be within the competency of the Local Legislature. I think that is the general understanding amongst constitutional authorities on that point, and my hon. friend will see there was nothing adduced to show in the past debate that that was not entirely within the competency of this Parliament if they thought proper to enact it. I only rose to set myself right, and at the disadvantage of having to refer to a conference that took place a quarter of a century ago, to defend my colleagues on that occasion; for I think

there is nothing in that Act to place the marriage contract on a footing contrary to that which I have stated. Had this been a new question I certainly would have been against this Bill for the same reason that I opposed the Deceased Wife's Sister Bill, but that Bill being now the law of the land I hold that I am bound by it and must accept it as law; and if that be the law, certainly if a person within the degree of the deceased wife's sister is allowed to marry her brother-in-law, surely her daughter, being still further removed, ought to have the benefit of the same holy relation.

HON. MR. BELLEROSE—When I read the opinions of different members on this subject I said the hon. gentlemen had only signed the document as alluding to the first, second, fourth and eighth reasons given in the protest. As to the criticism of the hon. gentleman from St. John, I am sorry I am not a good English scholar, and could not make myself clearly understood. I never said that I was completely against the principle of the Bill. On the contrary, I said that if this amendment were added I would support the Bill, for it is very awkward now in our Province as the law stands. A Roman Catholic bishop in our Province may refuse a dispensation to parties provided for by this Bill, and the man says: "Very well; we will get married somewhere else." All the same, that man is not married in the opinion of the church. Why should we not add a provision to the Bill that such parties may be married if they get a dispensation from the church to which they belong to permit them to marry.

HON. MR. DEVER—I am not aware that the Roman Catholic Church cares whether this Bill passes or not. As I understand it, the church holds that marriage is a sacrament, and this Bill, if it becomes law, will not make any difference in their opinion or in their practice.

The amendment was declared lost on a division.

HON. MR. MILLER—I propose to move an amendment to the first clause. It now reads as follows:—

"1. All laws prohibiting marriage between a man and the daughter of his deceased wife's sister are hereby repealed, both as to past and future marriages, and as regards past marriages, as if such laws had never existed."

I move that the following be inserted after the word "sister" in the second line: "where no law relating to consanguinity is violated."

HON. MR. BELLEROSE — While the chairman is writing in the amendment I shall read, for the information of the House, a quotation from the Confederation *Debates*. In the course of the debate on this very question of marriage and divorce, Hon. Mr. Langevin is reported to have said:—

"Notwithstanding the advanced hour of the evening, I cannot pass over in silence another observation made by the hon. member, and I beg he will accord me his undivided attention at the present moment. The hon. gentleman has asked the Government what meaning was to be attached to the word 'marriage' where it occurred in the constitution. He desired to know whether the Government proposed to leave to the Central Government the right of deciding at what age, for example, marriage might be contracted. I will now answer the hon. gentleman as categorically as possible, for I am anxious to be understood, not only in this House, but also by all those who may hereafter read the report of our proceedings. And first of all I will prove that civil rights form part of those which, by Article 43 (paragraph 15) of the resolutions, are guaranteed to Lower Canada. This paragraph reads as follows:—

"'15. Property and civil rights, excepting those portions thereof assigned to the General Parliament.'

"Well, amongst these rights are all the civil laws of Lower Canada, and among these latter those which relate to marriage. Now, it was of the highest importance that it should be so under the proposed system, and therefore the members from Lower Canada at the Conference took great care to obtain the reservation to the Local Government of this important right, and in consenting to allow the word 'marriage' after the word 'divorce,' the delegates have not proposed to take away with one hand from the Local Legislature what they have reserved to it by the other. So that the word 'marriage' placed where it is among the powers of the Central Parliament has not the extended signification which was sought to be given to it by the hon. member. With the view of being more explicit, I now propose to read how the word marriage is proposed to be understood:—

"'The word marriage has been placed in the draft of the proposed constitution to invest the Federal Parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the Confederacy, without, however, interfering in any particular with the doctrines or rights of the religious creeds to which the contracting parties may belong.'

* * * * *

"The whole may be summed up as follows: The Central Parliament may decide that any marriage contracted in Upper Canada, or in any other of the confederated Provinces, in accordance with the laws of the country in which it was contracted, although the law might be different from ours, should be deemed valid in Lower Canada in case the parties should come to reside there, and *vice versa*."

So it was that the Canadian Government, under their pledge of honor, and even under their signature, made this provision, because we were anxious about it, and I

was one of those who said that I would not vote for Confederation except steps were taken to protect us in those rights. Here was the Canadian Government at that time pledging its honor that the law relating to marriage as it existed at Confederation should continue with the Provinces, and Sir George Cartier said that when in England he would see that those rights were preserved. Yet we see how that compact has been violated, both by the Prime Minister of Canada and by his mouthpiece, the Minister of Justice, eight years ago, when he said: "We don't care about the Provinces; we care how we stand here." I do not know how such conduct would be characterised out of Parliament.

HON. MR. ALMON—I have no objection to the amendment proposed by the hon. gentleman from Richmond, as it does not interfere with the spirit of the Bill.

The amendment was agreed to.

HON. MR. LEWIN, from the committee, reported the Bill, with an amendment.

The report was adopted.

HON. MR. ALMON moved the third reading of the Bill.

The motion was agreed to.

On the question, "Shall this Bill pass," the Senate divided:—

CONTENTS:

Hon. Messrs.	
Abbott,	Merner,
Almon,	Miller,
Archibald,	Montgomery,
Botsford,	Pâquet,
Clemow,	Pelletier,
Dever,	Perley,
Dickey,	Power,
Glasier,	Prowse,
Grant,	Read (Quinté),
Haythorne,	Reesor,
Lewin,	Reid (Cariboo),
Lougheed,	Robitaille,
McDonald (C.B.),	Sanford,
McKay,	Smith,
McKindsey,	Stevens,
McMillan (Victoria),	Sutherland,
Macdonald,	Vidal,
Macfarlane,	Wark.—37.
McInnes (Burlington),	

NON-CONTENTS:

Hon. Messrs.	
Armand,	Guévremont,
Bellerose,	Kaulbach,
Chaffers,	Odell,
DeBlois,	O'Donohoe.—9.
Girard,	

The Bill passed.

MANITOBA AND SOUTH-EASTERN RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (90) "An Act to amend the Act incorporating the Manitoba and South-Eastern Railway Company." He said: This company obtained an Act of incorporation last year for the purpose of building a railway from Winnipeg to the south-eastern part of the Province. A portion of the work was done last summer, and we have reason to expect that the road will be constructed before long. This Bill is to make certain modifications in their charter, especially with a view to extending their line to a point near Lake of the Woods, where a great trade is expected to arise very soon.

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

INTERPROVINCIAL BRIDGE CO.'S BILL.

THIRD READING.

HON. MR. CLEMOW moved the adoption of the amendments made by the Select Committee on Railways, Telegraphs and Harbors to Bill (54) "An Act to incorporate the Interprovincial Bridge Company."

The motion was agreed to.

HON. MR. CLEMOW moved that the Bill be read a third time as amended.

HON. MR. POWER—I propose to move an amendment to this Bill. At the second reading I called attention to certain objections to this Bill, from what might be deemed an æsthetic point of view, that the construction of a bridge just at this particular point on the Ottawa River was, to use, perhaps, a rather stronger term than the occasion called for, an act of vandalism; that it was calculated to destroy the scenery in the immediate neighborhood of Parliament and to infringe upon the comparatively small space which had been reserved at the Capital for national purposes. There are certain other circumstances in connection with the Bill that, I think, deserve a little attention from the House. This is a Bill which, at any rate, from the point of view raised by the amendment which I propose to move, has not

received much consideration. The objection which I have taken to the Bill was not raised at all in the other House nor in committee of the other House, and I was informed by a member of that committee that in his opinion the objection was one which ought to prevail. This scheme is, I think, new. I do not remember that it ever came before Parliament in any shape until the present Session, and it is perfectly clear that a high level bridge at the point indicated must interfere, not only with the scenery, but also with the use of Nepean Point and Major's Hill, and to a certain extent of Parliament Hill. After that bridge has been constructed and the lines of railway connected with it have been built Nepean Point will not be what it is now, and the probabilities are that Major's Hill will be, to a very considerable extent, taken up with lines of railway; and if at some future time it is deemed desirable to erect additional buildings in connection with the Parliament here—a thing which is very likely indeed—the construction of this work will probably interfere very seriously with the erection of these buildings, and I may venture to hope, by the way, that if the Government do see fit to erect any further buildings on the Government grounds here they will be structures more pleasing to the eye than the Printing Bureau, which is now anything but ornamental to Nepean Point. Then there is another practical objection to this scheme, that is, in its present form, which I think must strike hon. gentlemen. The plan which the hon. the promoter of the Bill says that he and his friends propose to adopt is to bring the railway lines up the valley beside the canal. Now, hon. gentlemen are aware that the Eastern Block is built within a few yards of the canal locks, and some of the most important offices of the Government are in the rear of the Eastern Block, and within probably thirty yards of the top of the slope leading down to the canal. Amongst those is the Privy Council office. Now that is a place where, above all others, members of the Government should be perfectly undisturbed in their deliberations. I can fancy, if this scheme goes into operation, that the deliberations of the Privy Council, at any season of the year, are liable to be interrupted at perhaps very critical times by the very unmusical noises which proceed from engines. I can imagine, perhaps, an eloquent sentence from either of the hon. gentlemen opposite interrupted by a very loud whistle from a locomotive. In warm weather, apart altogether from what is doing in the Council Room—and it is very warm, I believe, in the Privy Council Chamber at times—if the windows are opened, instead of getting in the balmy air of summer, hon. members will be liable to take in large quantities of smoke and cinders from the passing trains. Now, I think that the hon. gentlemen who represent the Government in this House ought, at any rate, to pause a little at the prospect which this Bill opens to them. I have already stated that the Government of Canada, in selecting Ottawa as the Capital, reserved too small a space for Government purposes—much less than the space reserved for the public buildings at Washington.

HON. MR. DEVER—When this bridge is built they will have the opportunity of going over to Hull.

HON. MR. POWER—We are in a certain sense trustees of this property for the Parliaments that are coming after us, and for the Governments that will succeed this one, and I think the Government will be guilty of a breach of trust in allowing this small piece of ground to be encroached on. For these reasons I move:

That the said Bill be now read a third time, but that it be amended by striking out all the words from "Metcalfe," in line 28 of the first page, to "Ottawa," in line 30, both included, and inserting instead thereof the words following, that is to say: "Mackay street and Cathcart street."

The effect of that amendment would be to leave these promoters about half a mile on the river side, at any point of which they can locate the crossing of their bridge, and would simply exclude them from Nepean Point and the landing between the canal and Nepean Point. There is just one other remark which I may be allowed to make, that this is not the case of a number of people who have the money and who are anxious to construct a necessary work. Look at the list of corporators, some of whom have very little money and some of whom have only recently been in insolvency.

HON. MR. CLEMOW—Who are they?

HON. MR. POWER—The hon. gentleman is not one of them, and I do not think he wishes me to advertise that some one or two of them have been in that condition.

HON. MR. CLEMOW—I do not know one of them that has been.

HON. MR. POWER—I do not think that this is an undertaking which has any very special claim upon the consideration of the House. It is really, I imagine—I do not say it in an offensive sense at all—a charter which is got for the purpose of being disposed of to some one else.

HON. MR. SCOTT—I rise to a point of order. The hon. gentleman is not in a position to move his amendment. He has given no notice of it. I never heard of this amendment before, and I am very much interested in this Bill. The hon. gentleman should have given notice of it on Friday last.

HON. MR. POWER—It is not necessary at all.

HON. MR. SCOTT—It is necessary. You cannot move an important amendment without a day's notice. I maintain there is no parliamentary law that after a private Bill has gone through all its stages and comes up for the third reading an important amendment can be moved without notice.

THE SPEAKER—It is laid down very clearly that no amendment can be made at the third reading of a private Bill without due notice.

HON. MR. POWER—As the amendment which I have moved is out of order, I propose to move that the Bill be not now read the third time, but that it be committed to a Committee of the Whole House, for the purpose of being amended in the direction that I have indicated.

HON. MR. SCOTT—I take the same exception to that amendment.

THE SPEAKER—The amendment is clearly out of order.

HON. MR. KAULBACH—I wish to reply to the remarks of the hon. member from Halifax.

HON. MR. POWER—My amendment being ruled out of order, I do not think the hon. gentleman is in order in speaking to it.

HON. MR. KAULBACH—The Bill is before the House for the third reading, and on that motion I can certainly speak. One would suppose that the hon. member from Halifax did not know the locality where this bridge is to be erected, because the route which has been selected seems almost intended by nature for the purpose. My hon. friend says that this matter was not discussed in these points in the other House: certainly it was fully discussed in the committee of the Senate, and we had an engineer before us, who showed us the plans and profiles of it and proved that the bridge was to be constructed at the narrowest part of the river, as near the head of navigation as possible. It will not mar the landscape, but will pass along the face of the cliff, some 30 feet below the top of it, and skirt all the way up along the edge of the cliff to the level of the canal basin. But if the route recommended by my hon. friend were adopted the bridge would cross the river lower down, where it would certainly impede navigation, where it would cost more to construct it, and where, besides, it would have to cross several important thoroughfares in the city. By the route described in this Bill there is no interference with the navigation of the river; the bridge and the tracks leading to it will not interfere with Nepean Point or Major's Hill, but will skirt along the edge of the cliff below them and will not cross any street of the city. The route selected is the best that could be found, causing less inconvenience to the city and to everyone than any other that could be selected. There can be no annoyance from the smoke of the engines, because the line running in the valley between the two hills, the currents of air will be up and down the canal, and will carry the smoke and cinders out to the Ottawa River or up to the canal basin. The evidence submitted to the committee, as well as the personal knowledge which all of us have of the locality, show how little ground there is for the hon. gentleman's objections to this Bill.

HON. MR. CLEMOW—The hon. member from Halifax seems to take a paternal interest in this project. He has offered a

persistent opposition to this bridge company, for what reason I do not know. He seems to ignore the fact that the City Council, who are the guardians of the city's interests, and the Government, who are alive to the interests of the country, are in favor of this Bill. The hon. gentleman may have some interest in the part of the city where this bridge is to be built. I am perfectly conversant with all the details of this matter, and am satisfied that the place selected is the only one where the bridge can be built to serve all purposes; and as far as the Government is concerned, you may depend upon it they will take all necessary precautions to protect their property. This bridge will be 30 or 40 feet below the level of Nepean Point or Major's Hill. I, for one, would oppose any project for the construction of a railway on the level of those grounds. It would have a very prejudicial effect on property in that locality, and as the owner of a considerable amount of property there I would most strongly object to the construction of any work which would have a tendency to impair its value. Instead of injuring the place, the bridge will beautify it. Nature has made that locality the best, and in fact the only route from Hull to the heart of the city, and it is the best in the interest of all parties. We know that a charter for the construction of a bridge at that very place has been in existence for the last three years, yet the hon. gentleman from Halifax has never shown such a paternal interest in the matter hitherto. If the House could have seen the plans and heard the evidence submitted to the committee they would have been convinced, as we are, that no other place is so conveniently situated for this bridge as the one that has been selected. If the route which the hon. gentleman from Halifax proposes were adopted the railway tracks would cross no less than nine streets of the city, some of them very important thoroughfares. It would increase the distance and make the work far more expensive—in fact, it would prevent the construction of the bridge. If he had been prepared with plans and evidence to show that any other route would have been as good as the one that has been chosen I would have given the alternative proposition very careful consideration; but I know that it is impracticable to construct the bridge and line anywhere else but just where it is located. The only other place that could be thought of is at Rockliffe, two or three miles below the city; but it was found, after a careful examination, that the cost of constructing a bridge at that point would be enormous, and it was abandoned. It is highly important to this city and to the surrounding country that this bridge should be constructed. This company is no sham, as the hon. gentleman represents it to be. He says that some of the corporators are insolvent. I should like to know who they are. I know that some of them have a very large stake in the city, and I do not know one of them who could be said to be insolvent at the present time. It is very unfair for the hon. gentleman to throw out insinuations of that kind. I know that this bridge will be built without delay if it is possible to construct it. We are promised aid from the Ontario and Quebec Governments, from the city and from other sources, and I believe that the bridge will be constructed in a very short time. It is highly important that this Bill should pass now, in order that we may get aid from the Ontario Government. If this Bill had been allowed to pass without the amendment which was made the other day a delegation would have proceeded to Toronto and received a considerable amount of assistance for the purpose of proceeding with the work. Every one in this section of the country appreciates the importance of this undertaking, and I am only sorry that the hon. member for Halifax did not consult the legal men of the city before opposing the Bill. Had he done so he would not have taken such a hostile position to the project as he has done from the start. He must think that the people of Ottawa do not understand what is in their own interest. We certainly do not want to impair the beauty of the scenery or in any way to interfere with the magnificent view to be had from Parliament Hill. I would be the last man in the world to advocate anything of the kind, and I hope that the hon. gentleman will consent to the passage of the Bill. I am sure that when the bridge is constructed he will agree with us that nature made the route which has been selected the only one in the locality for the bridge within the limits of the city.

HON. MR. POWER—The hon. gentleman seems to be under the impression that I have a desire to thwart him in some way.

Now, there is no gentleman that I would rather oblige than the hon. gentleman from Ottawa, but I have my own opinion about the desirability of this bridge, and I have a right to express it.

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

SECOND READINGS

Bill (58) "An Act respecting the Brantford, Waterloo and Lake Erie Railway Company." (Mr. McCallum.)

Bill (99) "An Act to incorporate the Owen Sound and Lake Huron Railway Company." (Mr. McKindsey.)

The Senate adjourned at 5:15 p. m.

THE SENATE.

Ottawa, Tuesday, March 18th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

GAELIC LANGUAGE BILL.

SECOND READING DEFEATED.

HON. MR. McINNES (B.C.) moved the second reading of Bill (P) "An Act to provide for the use of the Gaelic Language in Official Proceedings." He said: By reference to the Dominion census of 1881, I find that the entire population of the Dominion was 4,324,810. The principal portion of the population was composed of:

French origin	1,298,929
Germans and German origin	254,319
English	881,301
Irish	957,403
Scotch	699,863

HON. MR. KAULBACH—Is that high Scotch or Low Scotch?

HON. MR. DEVER—Low, of course.

HON. MR. McINNES (B.C.)—I may say, before proceeding any further, that those hon. gentlemen who are inclined to treat this Bill with levity will reflect a great deal of credit on themselves and on the House of which they are members if they reserve their irrelevant remarks until after I get through with mine. They are then open to make any remarks they see fit, and I shall have great pleasure in listening to them, without attempting to interrupt them.

As the Highland Scotch and the Irish Celts are only different members of the Celtic family, I should class them as one. Combined, the two number 1,657,266, or nearly 400,000 more than the French element in the Dominion of Canada.

HON. MR. KAULBACH—Why do you not include the Irish in your Bill?

HON. MR. McINNES (B. C.)—I beg of the hon. gentleman not to interrupt me. It is well known that nearly three-fourths of the population of Ireland are Celts.

HON. MR. DEVER—No; Phœnicians.

HON. MR. McINNES (B. C.)—Nearly three-fourths of the population of Ireland are Celts, and the emigration of Celts from Ireland far exceeded those of Scotch origin in the north of Ireland. Of the nearly one million, in round numbers, of Irish who came to this Dominion, over two-thirds were Celts. A vast majority of the Scotch who came in early days to British North America were not Lowland Scotch, but Highland Scotch. They were the people who were principally instrumental in adding this great Dominion to the British possessions. They settled here, two or three for every Lowland Scotchman; consequently I claim that of the 700,000 Scotch (speaking in round numbers) that we have in the Dominion of Canada, nearly two-thirds of them are also of Celtic origin, showing that we have over one million of Irish and Scotch Celts in the Dominion to-day.

HON. MR. HAYTHORNE—Do they understand Gaelic?

HON. MR. McINNES (B. C.)—Since the hon. gentleman has asked the question, I will say they do not, and I am sorry that they do not. I am rather surprised at the hon. gentleman who has asked

the question, for I find that in the very Province from which he comes the majority of the people are either Irish Celts or Scotch Celts, and there are many settlements in that snug little island by the sea where they speak the Celtic in their homes, in their families; they use it at the family altar; they use it in their churches, and it is the only true way by which they can offer up their supplications to the Heavenly Throne. A large percentage of the priests and ministers of Cape Breton Island are Celts and speak the Gaelic, and all the rites of their church are conferred, as all the services are conducted, in that language, in many of the Roman Catholic and Presbyterian churches. In Cape Breton, where of the 100,000 of the population, I think I am within the mark when I say that at least three-fourths speak the Gaelic language, and to my personal knowledge I can go into settlements there composed of thousands of people where scarcely any other language is used but the Gaelic. Taking the Dominion as a whole, as far as I could possibly analyse the census, and from my own personal experience from the Straits of Canso to Nootka Sound, at the lowest estimation we have at least one-quarter of a million of people who speak the Gaelic as their everyday language.

HON. MR. MILLER—You do not include Cape Breton, then?

HON. MR. McINNES (B.C.)—I do.

HON. MR. MILLER—But you said from the Straits of Canso?

HON. MR. McINNES (B.C.)—I know that the hon. gentleman represents that part of the Lower Provinces, and I would not deprive him of the honor of speaking for his Island. But irrespective of the Irish Celts who, I believe, number nearly as many as the Scotch, there are certainly from 200,000 to 250,000 Celts who speak the Irish language in their families and transact most of their business in their mother tongue.

HON. MR. KAULBACH—Where are the Welsh?

HON. MR. McINNES (B.C.)—There are very few of that branch of the Celtic family in this country, and I am only sorry that a greater number of them are not among us, for a more thrifty, honest, industrious people we have not in the Dominion. They are something like the people from whom the hon. gentleman from Lunenburg has descended—a most desirable class of immigration to be attracted to our shores. The reason I couple the Irish Celt and the Scotch Celt together is because they are the same people—different families of the same race. They speak the same language, and I appeal to my hon. friend from Toronto (Mr. O'Donohoe) if he and I cannot converse in Gaelic, and understand each other very much better than people from Cumberland and Northumberland, and counties in the south of England, can understand each other? There is nothing like the same difference between the Irish and Gaelic, that there is between the English spoken by people from the north and south of England; consequently, if this Bill becomes law, as I have no doubt it will, I do not see why it cannot serve every purpose for the Irish as well as the Scotch.

HON. MR. KAULBACH—Why not include Welsh also?

HON. MR. McINNES (B. C.)—I cannot include the Welsh, because in the course of centuries they have made such changes in their language that it is no longer the language of Scotland and Ireland, and they could not be included in the provisions of this Bill.

HON. MR. GLAZIER—Get them another Bill.

HON. MR. McINNES (B. C.)—A few days ago we had a most eloquent and interesting speech from the gifted member from Calgary with respect to emigration to the North-West Territories. During that speech he informed us, amongst other things, that within the last two years seventy-nine families of Scotch crofters had settled in the North-West, representing, I presume, if they are like the ordinary Scotch and French families, five members to a family, which would give a total of four or five hundred souls. Since that time I had a conversation with the hon. gentleman, and I do not think that I am revealing any secret by saying he informed me that they

required to have two interpreters. They are all Highland Scotch, speaking nothing but Gaelic. They are in two different settlements, about 50 or 60 miles apart; each settlement has an interpreter, and I presume that the interpreters are employed by the Dominion Government and are Government officials, so that that in itself will show the necessity for the Bill that is now under consideration. I shall now call attention to the special census of the North-West Territories taken in 1885. I find from it that there is a great discrepancy between the populations as given in 1881 and as given in 1885. In the census taken in 1881 the population of the North-West Territory is given at 56,446, composed of 2,896 Frenchmen, 21 Germans, 1,374 English, 218 Irish and 1,217 Scotch. By reference to the census of 1885, only four years afterwards, I find that there was only 48,362 of a population in the North-West Territory, or over 8,000 less four years after the Dominion census was taken in 1881. Instead of having 2,896 Frenchmen in 1885, it only gave us 1,520; instead of 21 Germans, as we had in 1881, I find that there were 427 in 1885; instead of having only 1,374 English, as in 1881, they had 8,397 in 1885; and the Irish increased from 218 to 5,285, and the Scotch from 1,217 to 6,788.

HON. MR. ALMON—Good for the Scotch.

HON. MR. McINNES (B.C.)—Hon. gentlemen will see, perhaps, the application of these figures a little later on. The census gave us the population of the French Half-breeds as being 3,387, and that of the Scotch Half-breeds as being 742. Even adding the French Half-breeds and the French together, they scarcely number 5,000, while adding the Scotch Half-breeds and the Scotch there it gives over 8,000, or 3,000 Scotch and Scotch Half-breeds more than French and French Half-breeds.

HON. MR. ABBOTT—How many of a population does my hon. friend give to the North-West in 1881?

HON. MR. McINNES (B.C.)—Fifty-six thousand four hundred and forty-six.

HON. MR. ABBOTT—If all the elements of this population have increased up to 1885, I do not understand how my hon. friend makes out there was a decrease in the whole population.

HON. MR. McINNES (B.C.)—Decreased?

HON. MR. ABBOTT—My hon. friend has stated that there was an increase in English, Scotch, German and Irish in those four years, and yet he says there were fewer people there in 1885 than there were in 1881.

HON. MR. WARK—Were the Indians included in both?

HON. MR. McINNES (B.C.)—I am much obliged to my hon. friend from Fredericton. There were 20,170 of that population who were Indians.

HON. MR. ABBOTT—How many Indians were there in 1885.

HON. MR. McINNES (B.C.)—I did not look them up, but I suppose they were about the same as in 1881. I do not think they are increasing, but if the hon. gentleman has any doubt about the figures I have quoted I hope he will send a messenger for the Census of 1881, and there he will see the figures for himself. I am not trying by any means to distort figures or to mislead the House. I have given them as they appeared in the Census of 1881 and 1885, which I hold in my hand. There is another point to which I shall call the attention of the House. After analyzing the different constituencies of which this Dominion is composed, I find that the Highland Scotch have the absolute control of fourteen counties in the Dominion, and that they hold the balance of power in sixteen more. In thirty counties they have either absolute control or they have the controlling voice, which counties are represented by no less than thirty-five members in the House of Commons. If no other reason was advanced, I think that that in itself would be quite sufficient to induce the Government to accept this Bill, and that it should become law before another general election takes place. Since I introduced this Bill, a few weeks ago, I have received dozens of letters and addresses, many of which are exceedingly interesting and instructive, and I am only sorry that I have not sufficient time to read them to this House. However, as I wish

to get through as quickly as possible, with any degree of justice to the importance of the measure that I have in hand, I shall only ask your permission to read one of them, from the Gaelic Society of the County of Bruce, Ontario. As a matter of course, according to the eternal fitness of things, it is in Gaelic, and is as follows.—

"TALLA MHIC AOIDH.

"AN SEACHDAMH-LA-FICHEAD DON DARA MIOSA,
"BLIATHNA, 1890.

"Aig air coimhne mhiosal bha na leanas air a chuir ris a chruimeachadh agus air a ghiulan goh-aonal.

"*Don Urramach T. B. MacAonghais, Ottawa:*

A CHARAID CHAVIMH,—'S mor a chomain a tha sibh a cur air ar luchd-dutheha bho chean gu cean na tir so, oir gu cinnteach tha mor aoibhneas air Clann nan Gaidheal an diugh 'n'air a tha fios aca gu bheil, mar a thubhairt a sean-fhacal e, "caraid 's a chuirt aca a thagradh an cuis 's an coir." Agus ged nach eil sinne mar chomunn ag iarridh na a creidsinn gum bu choir ach aon chanain a bhi air a cumail suas air costas na duthcha, gidheadh, na tha barrachd is aon ri bhi air an cumail suas cha b'i a Ghailig a bu choir a bhi air dheireadh. Cha ruig sinn aleas a chuir 'n ar cuimhne gu bheil miltean do *Chlann nan Gaidheal* 's an duthaich so a tha dileas don tir 's don chrun, agus ged nach robh an canain air a cleachdainn an cuirt nam parlamaid cha chualas riamh an dragh na'n iorghuill. Agus ans a chearn sin don duthaich ris an abrar an airde-niar-thuath tha miltean 'sna bliadhnachan so a suidheachadh a sin as a Ghaidhealtachd 's gu sonruichte e eileanean na Gaidhealtachd nach tuig a bheag do chanain sam bith eile ach a Ghailig a dh' fholuim iad bho an mathair ann an tir nam beann. Agus ma dheumas tuilidh a's h-aon a bhi aginn a'n cuirt 's am parlamaid, gu de an teanga as mo coir air an urram sin fhaotainn na canain nan treun-laoich a sheas *guala* ri *guala* air sliabh Abrahaim, am piobairean a seinn binn-cheol na H-alba, 's an claidhmhnean mor a dearsadh a'n grian na h-oig-mhadain an latha chaidh an duthaich a chosnadh do chrun Bhreatuinn. Tha dochas aguinn gu seas sibh gu dileas duinail air cul na teanga bhlasda bhinn 's an d'fhuair sin ar 'n altrum, 's gu faic luchd aiteachaidh na tir gu leir gid a dh'fhag sin tir nam beann ri linn ar 'n oige nach eil sin a di-chuimhneachadh ar canain na an duthaich 's an deach ar 'n arach.

"As leth a chomuinn,

"(Sd) SEUMAS MACJAIN, *Riaghlair,*
"ELLAIR MACH ALAISDAIR, *Jomhasair,*
"ERAIS MACDHOMHNULL, *Sgriobhadair.*"

HON. MR. POIRIER—Would my hon. friend read that in French, as I could not understand it in the language in which it was written?

HON. MR. McINNES (B.C.)—I am exceedingly sorry that I cannot read or speak French as well as I can read Gaelic, but I will do the next best thing—I will read it in a language with which every hon. gentleman who hears me is familiar, and which will enable him to appreciate, as far as a translation can express the ideas contained in the address, the views entertained by the Highlanders in this country on the subject of this Bill:—

"McKAY SETTLEMENT.

"COUNTY BRUCE, ONTARIO,
"27th Feb., 1890.

"At our monthly meeting the following address was unanimously adopted.

"The HON. T. R. MCINNES, OTTAWA:

"KIND FRIEND,—Your countrymen throughout the land feel highly complimented and truly happy to know that they have, as the old proverb has it, 'a friend at court pleading their rights and claims.' And although, as a society, we do not ask nor believe that more than one language should be maintained at the public expense, yet, if more than one is to be so maintained, we submit that the Gaelic should not be left behind. We need not remind you that there are thousands of Scotch people in this land, loyal to their country and the Crown, who, although their language is neither fostered nor used in Parliamentary discussions, have never occasioned troubles nor wrangles. And in the North-West part of the country, thousands of immigrants from Scotland, and especially from the islands of Scotland, settle there every year, who understand little of any other language but the Gaelic they learnt from their mothers in the Land of the Hills. And we repeat that if more than one language is to be used in the courts and Parliament, what language is more entitled to that right than that of the valiant braves who stood shoulder to shoulder on the Plains of Abraham, their pipers playing the chivalric airs of Scotland, and their great swords glistening in the sun of the early morning of the day the country was won to the British Crown.

"Hoping you will stand faithful and manly in favor of the language in which we have been early nursed, that the public may see that although early removed from the Land of the Hills, we are not forgetting our language nor our native country.

"On behalf of the meeting,
"(Sd.) JAMES JOHNSTON, *Chairman,*
"E. ALEXANDER, *Treasurer,*
"E. McDONELL, *Secretary.*"

That is a fair specimen of the letters and addresses that I have received from various parts of the Dominion, from Cape Breton to Vancouver. Now, referring for a moment to the North-West, if the French language is to be maintained there as an an official language—there is equally good reason—in fact, a better reason for a similar recognition of Gaelic. I am not one of those who object to the perpetuation of the French language in this Parliament, providing Gaelic is put on the same footing. Every right and privilege accorded to the French Canadian people when they came under the British Crown should be most scrupulously guarded, and the minority should be treated in the most liberal spirit; there is no great nation, excepting the United States, that has not, at some period of its existence, but had two or more languages recognized officially, and many of those nations occupied countries insignificant in extent compared with the enor-

mous area of this Dominion, which is equal almost to the entire continent of Europe. And if small countries, such as Switzerland and Belgium, can afford to have two or three official languages, surely this Dominion, that is putting forth such great efforts to attract desirable immigration to fill up our waste lands, should offer every encouragement that may be necessary to accomplish that object. If it should be necessary to have three or four official languages let us have them. What would the cost amount to? According to a statement made in the other House in the debate on the dual language Bill, the cost of printing French documents in the North-West amounts to only $400 a year. Why, a few families—a few dozen immigrants—would cost the country that much to settle them in our North-West, and then there would be a grave doubt in the minds of the public whether they would become permanent settlers even after that expenditure. You who speak the English language have no idea what it is to find oneself in a foreign land, comparatively helpless and unable to converse with the people. A few hundred dollars could not be better spent than in making Gaelic an official language, so as to attract to this country a most desirable class of people. Some hon. gentlemen have expressed surprise at the Bill before the House. They refuse to treat it seriously—and yet, apparently, they find nothing surprising in the proposal to establish French as an official language in our North West—or the still more liberal proposition of the right hon. the Premier of Canada, to make German, under certain conditions, official in that country. Let me here read to the House what the right hon. gentleman said in his speech on the dual language question a few weeks ago, when imploring the members of the Commons—irrespective of party—to defeat the McCarthy Bill, and to continue the official use of the French language in the North-West Territories. At page 800 of the Commons *Hansard* he is reported as saying:

"There is scarcely any French spoken in the North-West. There are a few French Canadians there, and a scattered population of French Half-breeds, and the whole effect of this Bill (the McCarthy Bill) would be to deprive these poor people of reading or knowing the laws to which they are subject."

Again, at page 802, still speaking of the North-West, we find him making the following important declaration:

"After the population comes in there, if there is a large German population—and I should be very glad to see it—who shall take possession of a large quarter of that area, why not give them the right to use the German language? They would insist upon using the German language. If the French Canadian settlement, which was commenced under rather unfavorable auspices at Edmonton, should increase and grow so that they would become a French Canadian Province, they would insist upon having their language."

Again, at page 799, the veteran chieftain of the Clan Macdonald, as he becomes inspired with the great importance of the subject, and, notwithstanding his great age, his warm Celtic blood coursing more freely in his veins, he makes the following pathetic and significant declaration, which we must accept as the policy of the Government of which he is head, anent official languages in Canada, remarks:

"The reason why I oppose the Bill of my hon. friend (Mr. McCarthy) to-day is the same—because that Bill, a small Bill; I might almost call it an insignificant Bill in its enacting clause—is based on the purpose of doing away with the French language, of discarding the French language, at all events, and depriving the French Canadian people of the solace of the language they learned at the feet of their mothers. Why, Mr. Speaker, if there is one act of oppression more than another which would come home to a man's breast it is that he should be deprived of the consolation of hearing and using and reading the language that his mother taught him. It is cruel. It is seething the kid in his mother's milk."

Such was the declaration, yea the oracle of the right hon. gentleman who leads the Government of this country, on the 17th ult. The policy laid down is plain and unmistakeable, that when the German element increases in the North-West the German language is to be made official; that although there are only a few French Canadians and French Half-breeds in the North-West, French must be retained as an official language. That it would be wicked to deprive these poor people of the privilege of reading or knowing the laws to which they are subject. That there is scarcely any French spoken in the North-West. That if there is one act of oppression more than another which would come home to a man's breast it is to deprive him of the consolation of hearing, using and reading the language that his mother taught him. He exclaims: "It is cruel—it is seething the kid in his mother's milk." Surely, after such earnest and pathetic pleading—such consuming solicitude and regard, such outpouring of sympathy for the welfare of our French and German fellow-citizens, over whom he exercises such fatherly influence, care and protection, he cannot with any degree of con-

sistency do less than grant equal rights and privileges to his own countrymen—the Highlanders, the Britons—the true Britons—and their immediate descendants, to whom so much of the greatness of England is due, and also to the undeniable fact that to the untiring energy and matchless valor of the Scotch Highlanders—ably assisted by their brethren from the Emerald Isle—Canada is to-day and has been for over a century an integral part of the British Empire. Who dares to say, or even insinuate, that the head of the loyal Clan Macdonald (Sir John), and every clansman throughout, not only the Dominion and the British Empire, but throughout the world, has not at least as great regard and sacred love for the language they first lisped on their sainted mothers' knees as the English, the French, the German, or any other people? To think or say the reverse would be a gross libel on the most affectionate and warm-hearted people that ever lived. Any contrary contention would only display an unpardonable amount of ignorance of the true character of clansmen. The Scottish Celt, in whatever quarter of the globe you find him—and he is generally to be found in every nook and corner of it—loves his mother-tongue, loves his country, loves her glorious history and traditions, with a more intense and enduring affection than any people of whom I have any knowledge, with one exception—the Irish Celt. The manly sons and womanly daughters of Scotland's high and heathered hills, as they bid farewell to their beloved country, are always moved with the deepest emotions, and they often sing in mournful tones:

"Tho' far frae thee my native shore,
An' tossed on life's tempestuous ocean;
My heart aye Scottish to the core
Shall cling to thee with warm devotion."

Yet in the same notes they give expression to a still deeper and more patriotic feeling in:

"Farewell, farewell my native hame,
Thy lonely glens, an' heath-clad mountains,
Farewell thy fields o' storied fame,
Thy leafy shaws an' sparkling fountains.
Nae mair I'll climb thy mountains steep
Nor wander by the rapid river,
I seek a hame far o'er the deep,
My native land, farewell forever."

To the matchless valor of the Scotch and Irish soldiers the British arms have been victorious in every clime and in every country where honor and duty called them, until to-day the Union Jack proudly floats over one-sixth of the earth's area and over one-fourth of the world's population. In extending the possessions of Britain and furthering her interests I know of no land which has not been consecrated by their precious blood—I honestly, justly and conscientiously claim and believe that principally through the dauntless bravery of the "*Chlaun nan Gaidheal*" Britain has become the great and glorious nation that she is, and has been for so many centuries—in the vanguard of nations, as the great disseminators of light, of liberty and of civilization, and all the blessings that follow in their wake. Through the prowess of Scotia's kilted veterans and Erin's warlike sons the northern half of this continent was wrested from a foreign power and added to the British possessions. In that mortal struggle were engaged two of the most valiant races that the world ever produced. In mortal combat they met on the historical Plains of Abraham to decide the destiny of half a continent nearly equal in area to the whole of Europe. At the word of command the stalwart Highlanders and the gallant Frenchmen rushed on to death and glory. The bloody struggle, though brief, was decisive, and many were the acts of heroism performed, which added fresh lustre to the arms of the contending nations. The god of war, however, smiled on the kilted sons of the heathered hills. A great battle was fought, an important victory was won. Canada became British, and has remained so ever since. I submit, therefore, that to the "*Chlaun nan Gaidheal*" and to them alone are we indebted for the fact that Canada is British to-day. Who were the first permanent settlers in our great North-West? The brave and hardy Highlanders, under the guidance and supervision of the good Lord Selkirk, who, as early as 1811, took possession of that country. Among that noble band was the good and brave father of our respected colleague from Kildonan (Mr. Sutherland). Who to-day are exploring what remains of the North-West *terra incognita*, who are continually advancing the outposts of civilization further, and yet further, into those great plains that stretch beyond the Arctic circle? The intrepid Highlanders of Hudson's Bay. I have no desire to decry the French; such an idea is foreign

to me; I gladly acknowledge the invaluable services rendered by them as the explorers and pioneers of Canada, but I contend that no class of Canadians should be favored above another, and that if the French of the North-West, or of the Dominion as a whole, be allowed to use and have their language used officially, the Highlanders of Canada should have equal courtesy shown to their beloved Celtic language. It is objected that if we establish the official use of Gaelic there can be no reason why German, Italian, Chinese—what you will—should not be used officially, and so all order and unity in our Parliament, our Legislatures and legal tribunals would be lost in polyglot confusion. On the face of it, I admit, this objection is plausible enough; but examine it for a moment, and you will find that it is founded on an utter misapprehension. The difference between the official use of Gaelic, and, let me say, of German or Italian, is as wide as the difference between what is essential and what is non-essential. Let me explain: The great bulk of the inhabitants of Canada are directly, or by descent, Scotch, Irish, French and English. The foreign element of our population is very small, consisting principally of German, Italians and Swedes. These people, though foreign, are not under disadvantage on that account; for Canada stands with open armed welcome for all who come with honest purpose to her shores, but they must come subject to her institutions, laws and languages. But who dare say that the Highlanders of Canada are a foreign element? Are they not an essential—I might almost say the essential element of our people? Hon. gentlemen may smile as much as they please. I say it is so, and the statement cannot be disproved. From the day (or rather the night) when they clambered up the rocky heights of Quebec, to this hour, when Clan Macdonald has brought forth a chieftan to rule the Dominion, a man whose matchless abilities as leader can force admiration even from his bitterest opponents, the Highlanders have been a leading element in the population of the country. Take again the ex-Premier, of the Clan Mackenzie—a man of marvellous ability, a man whose every act and word during a long, active and honorable public career has been ineffaceably stamped with the purest patriotism, and whose many good and wise acts and sayings will be emulated by future generations. Highlanders are an essential element, and have and will continue to exert a powerful influence for good, no matter what restrictions or disabilities they may labor under. They will surmount them all. Go over the long list of our brightest names, and see how many belong to the clans. On the Atlantic side, the name Nova Scotia speaks for itself, and on the Pacific slope the original name of the Province that I have the honor to represent was New Caledonia. The name suggests whose footsteps first passed over the rugged heights, through the torrent-washed cañons and into the dark and shaggy forests of that new land, to open a way for the world to the wealth of its rich mines, its vast forests and its exhaustless fisheries. I will not speak of the past history of those whose native tongue was Gaelic. I will not speak of the bards who have made it glorious, or the heroes whose dying words have made it sacred. You who have not lisped it first at a mother's knee—you who have not felt it lend itself to the whisperings of love and to the moanings of sorrow, to the curses of anger and the beseechings of prayer—you cannot understand the feeling with which every Highlander regards his native tongue. You are not Celts. On Britain's bloodiest battlefields, wherever her valor has been put to the severest test, above the clashing of arms and the roaring of guns, have been heard the wild chanting of the Pibroch and the Gaelic cheers of the charging Highlanders—"*Gula ri Guala.*" Notwithstanding that that language was taught in the royal household to the royal family—that Gaelic chairs are endowed in the universities of Edinburgh, Oxford and Berlin (blessings brighten as they take their flight), I am fully conscious of the fact that it is passing away. I regret exceedingly that the most forcible and expressive of all languages is falling into disuse, and being replaced by the great commercial language of the world. You need not fear that in recognizing Gaelic you are prolonging its life. You will not do that, for the trend of events points inevitably to one language and one nation; but you will be showing what is deserved—and what will be appreciated as much as it is deserved—gratitude to the Highlanders for the great part they have taken in the upbuilding of our nation. Neither the French nor the Gaelic lan-

guage will ever gain ascendency in the Dominion—of that we may be sure. They are passing away. They must eventually disappear: but till they do, let us recognize them. We owe it as a tribute of respect to those whose mother tongues they are. Let us not forget that it was the French that made Canada worth taking, and that it was the Highlanders who took it, and together they were the pioneers of the civilization that followed in their wake. Such toleration and friendliness, far from delaying the day when the broils of party creed and races, that now unfortunately distract the nascent nation will be over—will rather hasten it, and when that glorious day comes, and we gaze upon Canada, the youngest and fairest of nations, free, united and at peace, then shall Highland bonnets leap high in the air, and from the wild Atlantic coast to the far Pacific shores shall Highland voices hail her with the glad refrain—"*Cead Mille Failthe.*" Now, in view of all that I have stated—in view of those undeniable facts that I have submitted to the House—I appeal to every English member of this Senate who has any gratitude, and I know that you are all possessed of more or less gratitude, to do this simple act of justice to the Highland Scotch that have made Great Britain a great empire, and have added so much to her prestige during the past centuries! I appeal to you to support this Bill, and not to relax your efforts in supporting it until it becomes the law of the land. I appeal to every French gentleman in this House, in view of the generous treatment that has been accorded to them since they have transferred their allegiance from France to Great Britain; I appeal to them to extend the same courtesy, the same rights and the same privileges that they hold so dear to themselves, to the Highland Scotch of Canada! It would only be in keeping with their frank, generous and kind-hearted nature in other things, and I appeal to my French friends confidently to support the measure that is before the House! To my Irish colleagues, I need scarcely say that I expect there will not be a dissentient voice amongst you—that you will support to a man a language that is as dear to you as it is to the Scotch. It cannot be denied us on the score of economy; it can be denied to us merely because it will cost an extra few hundred dollars each year. It is our right, and if we stand true to ourselves I have not the slightest doubt in the world but that we will get it, if you lend your support to the Bill before the House. Now, to my fellow countrymen—and allow me to say that I have analyzed the representation in this House and in the House of Commons, and find that there are ten Highland Scotch representatives in the Senate that can speak more or less Gaelic; we have eight Irishmen that can speak more or less Gaelic, besides others that are of Celtic origin, making in all over twenty members of this House who are Scotch and Irish Celts, and thirty-two members in the Commons who speak Gaelic and Erse to some extent. In appealing to my own countrymen let me remind you that this is the only opportunity that has been offered us to show our love for our mother tongue in this connection, and I believe that Highland Scotchmen, and people of other nationalities who have been improved by Highland Scotch blood in their veins, will stand up truly and manfully in upholding their rights in connection with their language. I believe that those who do not will bring the blush of shame to the cheek of every Scotchman from Cape Breton to Vancouver, and will be branded as unworthy descendants of a noble, a generous and an honorable race. I therefore expect that there will not be a dissentient voice amongst the Highland Scotch representatives in this House. Now one word to the hon. gentleman that leads the Senate. The policy of the right hon. gentleman that leads the other House (Sir John A. Macdonald) was laid down in a most unmistakable manner in pleading for the defeat of the McCarthy Bill and the continuation of the French language in the North-West. He lays it down plainly that we are to have more than two languages under certain circumstances, and if the hon. leader of this House is in accord with his chieftain he cannot do less than carry out the policy there defined by the Premier, and not only vote for this Bill, but use all his influence and not relax his efforts until it becomes law. Perhaps it would not be out of place now to address the House in the language of Divine origin:

A'CEAN-ARD NA SENAIRIN, AGUS A DAOIN-UASAIL NA SENAGH.

D'tha mi toileadhagus d'taingeal gu bheil anns an tigh uramach, uasal s'ho,

moran do dhaoine caoineil, coir a d'thuigeas agus a laibhras a' cànan erachdail a d'tha mi briothean.

'A'nns an 'd'thuaich ùr-fharsinn d'thorach u, s' na chuir Freasdail casbh a coinneabh sin—d'thuaich sa bheil sluagh as gach earrain 's Riodhach d'on t'suoghail a cruinneachadh, 's coir d'on luchd riadhlidgh gum di iad gliccuramach ceart agus onorach.

Feumaidh na Gaidheal a' n narraidh mhath a d'thoin doibh fein, agus do riadhladh na d'thucha; d'tha mi'nebarail g'ur h'an orro sa d'thig a n d'thuàlach mor ri giulan gu brach.

I'se na h'Aulabanich agus na h'Eeirenich chraidh-dhromo na d'thucha, 's'iad a nèarst bho cuan gu cuan. Ceason màtà nach aoid sin an canàn a d'hiomsich a'r Mathair dhuinn a cleachdadh co math ri cach cià àrson nach bi s in co dàmhail ris na Frangich a 'd ta coinneadh an sa'n d'thuaich? C'arson nach ei l e co cearst gum biodh Gaelic a r à brioghain agus a'ir a sgriobhadh a'nns an tigh agus a'nns an t'seoman s eo ri Fràngish.

Cha b'hon a n d'thuaich d on d'Fhraing t'she d'tha t'seo tir Bhreatanach, d'tha coir aig Gaidheal agus aig Gaelic a' s'n d'thuaich nach e il aig Frangich no aig frangish 's daor a cennaich i ad a coir le fhuil dearg a'n chridhe, 's'ann leis a lamhaich-l'eis a claidheamh a d'thuir iad ceat saoidh a n a'm Parlamaid t'saor an s a bhaile mor a d'thog iad a n a 'sheo, a n'a caoile. 'S'iomadh gaisgeach calama c aidh a s a'n ùr a's a cath a'r sliabh Abraham.

C'arson nach biodh sinne co dàbhail don d'uthaich as a d'thamg sinn d'fhein agus bhur sinsirein agus dha'n Cànan ris na Fhraingich? Ci-àrson nach d'thoir sin dhuin fein aoidhean a cheartas agus dhiabhsan? Ma 'd'tha e cearst, cor agus àon chanan a labhair a'nns a t'shemar se'o cha b e gaelic bu cor a bi a r dhearadh. I'she chanan n'a Gaidheal bu cor a bith a'r toisich ann's an d'thuhich' t'seo, t'se t's'heo an tàm seasibh dileas—"guileabh ri guileabh." Biodh Chanain Alabin 's Eirin a ir a meas a n sa d'thuathich Bhreatanach t seo, cho math ri' teangà n'am F'hraing, nach Chanan ànn, ach brochan deth gach seorsa chàint.

Faicibh a dinoh a 'm bheit na Fhraingich toilich a dheanabh ribh sa M'har a sibhsa dheanabh re hiu sà.

Biobh dunail agus diolais mas biodh e ro aonamach—d'thaneil suil na cluas, Machd Gaidheal eadar Càp Breatain agus Bhancovernach eil a coimhead agus a g'esdeneachd riobh, d'tha na Gaidheil agus na h'Feninich pailt, dhiomhibh ceartais dhiobh.

Mair a bheil rum aig Gaelic a n à Canada cia-arson a bhios sin ri coisgeiech a chamail suas Franguish nach d'thuig sin—air nach eil eolas agin 's air nach e il sinn a iarnaidh eolas. Ma bhios sin dileas dhuin bheinfhein bheir ur sliochd d'thaing dhuin bheir a d'thuathich h'onair agus urvaim d'huin bith Mis aig a n t'sluagh oirn, feumadh sin earlois fhoidhin agus a tabhairsh. Cha d'thug namhaid riobh buidh air na gaidheal cha robh alabhin riobh fo cis ceà arson a biodh a Chanan a'n a eis urram as a Par- lamaid t'sheo?

HON. MR. KAULBACH—I have always contended that Gaelic was the language of poetry, but after the poetry the hon. gentleman has given us to-day I am sure we had better be preserved from anything of the kind in this House. I am sure we would not like to indulge in Gaelic as an official language. I do not know how to treat this matter—as a joke, or how. I cannot say anything seriously about it, for it is evidently a joke. On my hon. friend's own admission it would be a piece of cruelty to a language that is struggling for existence in a hopeless way to assist it to continue its struggles, when the hon. gentleman admits that it is going out. We know that English is to be the dominant language on this continent. The hon. gentleman grew pathetic when he spoke about listening to the Gaelic language at his mother's knee. I believe that I listened to the German language on my mother's knee, but the Germans in our county found that we were behind the age as long as we continued to adhere to our mother tongue. It is only about twenty years ago since German was excluded from our public schools, and it is from that date the county of Lunenburg has taken the strides forward that it has. The Germans found that so long as they retained their native language, when they went out of the county they could not transact business, because they could not be understood, and were laughed at.

HON. MR. MCINNES (B. C.)—Why are the French who cannot speak English not laughed at?

HON. MR. KAULBACH—The hon. gentleman's speech was very fine, and it has

pleased us all, but I don't suppose any of us want Gaelic as an official language. He speaks of some thirty-two members of the Legislature as representing Scotch Highlanders, but I ask him how many of those members are there who cannot speak the English language? They all speak English, and they speak the English language better than they do Gaelic. I ask my hon. friend if he were entering into a debate in philosophy, science or art, where would he be with his Gaelic? I don't think the hon. gentleman himself, if he undertook to discuss a problem in Euclid or mathematics, would find the Gaelic language of any service to him. I am afraid that in almost any department of business in this country his language would be entirely useless—even in the part of the country from where these people come Gaelic is not used as an official language, and is it reasonable that privileges should be asked for Highland Scotchmen in this House that are not asked for in their own country? No doubt, Scotchmen try to make themselves at home, and add to the wealth and prosperity of any country in which they settle; but I defy the hon. gentleman to show that in any part of the world Scotchmen have demanded that Gaelic shall be made an official language. I do not know of more than one or two members of this House who would undertake to read Gaelic, and if it were made an official language, and made compulsory in the records and journals of this House——

HON. MR. McINNES (B.C.)—Does the hon. gentleman say that I wish to make it compulsory in this House?

HON. MR. KAULBACH—I so understood the hon. gentleman.

HON. MR. McINNES (B.C.)—I beg the hon. gentleman's pardon. If his law is not better than his understanding, it is not worth much.

HON. MR. KAULBACH—The hon. gentleman's own Bill provides that Gaelic "shall be used in the respective records and journals of those Houses."

HON. MR. McINNES (B.C.)—Yes; in the records of the House.

HON. MR. KAULBACH—Even then it would be a dead language, as our judges could not be expected to have to learn it. It would be absurd to require that the judges of this country should learn Gaelic to be able to understand the official documents. My hon. friend has spoken in Gaelic, and no doubt it was very fine. I tried at one time to learn Gaelic myself, and undertook to speak it in my own county, but nobody could understand me, and they opened their eyes in astonishment when I undertook to speak it.

HON. MR. McINNES (B.C.)—You could not get Gaelic into a Dutchman's head. The want was in the pupil, and not in the teacher or the language.

HON. MR. KAULBACH—In the north of Scotland, where Gaelic is used, I found the Scotch indulging very much in legends and fables and fairy tales and witch stories. They were great believers in all those things, and that is what the language seems specially adapted for.

HON. MR. McINNES (B.C.)—Does the hon. gentleman mean to say that the Highland Scotch believe more in legends and fairy tales that the Greeks and Romans? Yet I have no doubt he has spent many a long year trying to learn the languages of these people.

HON. MR. KAULBACH—I dare say; but in the northern part of Scotland I find these people were great believers in witches and fairies, and legends of all kinds, and their language seemed more adapted to expressing the ideas of the people in these matters than anything else. As I said before, it would be a cruelty to the Scotchmen themselves to attempt to perpetuate a language which my hon. friend admits is in its death struggle.

HON. MR. McINNES (B.C.)—I did not say anything of the sort. I never used such language.

HON. MR. KAULBACH—I took it down myself.

HON. MR. McINNES (B.C.)—I beg my hon. friend's pardon. I never made use of such an expression.

HON. MR. KAULBACH—I will say nothing more about it. The flights of oratory that my hon. friend indulged in were very fine, but I am sure he did not convince the House. But he trenched upon the time of the House, that should have

been occupied by the practical business before us. We are not here to perpetrate practical jokes. We are here to do the business of the country, and we should do it as it is sent down to us. If my hon. friend were to secure the passage of his Bill it would be followed by others of a similar character, and we would soon have confusion of tongues. According to my hon. friend's theory, every person who came here, no matter where he came from, would be entitled to the same rights as Scotchmen. I am sure the Germans do not want any such privilege. Even the Scotchmen themselves do not want it. My hon. friend does not produce a single petition from any part of the country asking for such a Bill. In Nova Scotia, which is largely settled by Scotchmen, and in Cape Breton, the language was never made official, and even in England and Scotland they do not want it. I certainly deprecate anything that would have a tendency to extend plurality of languages. I believe even the French in Parliament speak more in English than they do in their own language. They can speak fluently and well, and with force, and I hope the day is not far distant when the English language will be the language of the continent.

HON. MR. ABBOTT—My hon. friend gave some figures to the House which I fear may be subject to misinterpretation. I understood him to quote them as showing that the population of the North-West Territories from 1881 to 1885 had diminished—that is to say, the civilized population—while in reality the two censuses which he quoted show that the civilized population of the Territories in 1881 was 6,976, and the civilized population of the Territories in 1885—which was one year before the opening through of the Canadian Pacific Railway, which gave facilities for reaching that country, was 28,192, or more than four times the number of the civilized population in 1881.

HON. MR. McINNES (B.C.)—I did not make use of the word civilized or uncivilized. I gave the total population.

HON. MR. ABBOTT—I am quite aware of that, but the figures were so quoted as to show, to my mind, and possibly to the minds of other people, that the population we would recognize as a useful population of the North-West Territories had decreased in the last four years, while the figures show it had actually quadrupled. Now, with reference to this measure which my hon. friend has introduced, I must, out of courtesy to him, assume that he is advocating this proceeding seriously—that he seriously intends or desires that we should publish our proceedings in three languages instead of two—that we should triplicate our officials in the way which would be required for that purpose, and that he contemplates an innumerable number of inconveniences, which would necessarily follow the adoption of any such measure as he proposes to the House. I say I am bound to assume that the hon. gentleman seriously desires that his proposition shall be carried. I, of course, may be permitted to form my own opinion as to the soundness of his judgment in that respect, and I shall say more about that: but without imputing to my hon. friend any such intention, this Bill appears to me like a sort of far-fetched joke, framed for the purpose of casting ridicule on——

HON. MR. McINNES (B.C.)—I rise to a question of order. The hon. gentleman is assuming things that he or no other person in this House, or outside of this House, has any right to assume.

HON. MR. ABBOTT—I am sorry for that.

HON. MR. McINNES (B.C.)—It does not matter whether the hon. gentleman is sorry or not; all he has to do is to deal with the Bill, and with the Bill alone, and with the principle of the Bill.

HON. MR. ABBOTT—What is the point of order?

HON. MR. McINNES (B.C.)—The hon. gentleman is out of order in imputing motives that I am insincere, and I ask for the ruling of the Speaker, because it has been suggested once before by the gentleman from Prince Edward Island, and I think that ought to be quite enough. If there is nothing in the principle of the Bill for the hon. gentleman to oppose, it is not fair to impute motives.

HON. MR. ABBOTT—I am afraid that my hon. friend is not as familiar with the English language as he is with the Gaelic, otherwise he would not accuse me of imputing any motive to him at all. I assume him to be sincere in his desire to have this

Bill become law—I assumed that. Then I stated what the Bill does appear to me to be. I did not say that my hon. friend intended it to be so. It appeared to me, from his language, or purported to be, a far-fetched practical joke, intended to cast ridicule——

HON. MR. McINNES (B. C.)—It is the language of section 133 of the British North America Act.

HON. MR. ABBOTT — Calculated to throw ridicule upon the just pretensions of our fellow citizens of French origin to have their language recognized in our courts and in our Parliaments, as we do recognize it, and as I hope we shall continue to recognize it. That is the aspect which the Bill presents to my mind, and I do not propose to discuss it. I do not think there is any other man in the House who will imperil his reputation and position as a statesman and a public man by voting for it, and I hope that we may be allowed to proceed with the serious business of the House, and that the House will vote down the second reading of this Bill.

HON. MR. DICKEY—I do not intend to discuss the Bill, but I wish to call the attention of the House to the position we are in if we vote for this measure. In the British North America Act there is a section which provides for a dual language, and I contend that we have no power to legislate on this subject, as to the public records, until we get an alteration of the British North America Act.

HON. MR. POWER—Will the hon. gentleman read the section?

HON. MR. DICKEY—Section 133 of that Act, which my hon. friend says is almost in identically the same words as his Bill, provides:

"Either the English or the French language may be used by an person in the debates in the Houses of the Parliament of Canada and of the House of the Legislature of Quebec; and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process, in or issuing from any court in Canada established under this Act, and in or from all or any of the courts of Quebec."

Now, here is a distinct provision as to the languages which shall be used in our official proceedings; yet my hon. friend proposes that another language shall be added. How can he do that, unless he has power from the source which gave us this Act? How can he alter any section of this Act to add another language? He says he proposes to add two, and he hopes eventually four. Why not half a dozen? Why not have Spanish, German and Irish, which, although a cognate language, is not the identical language spoken of here; but it has this recommendation, at all events—for my hon. friend rests his argument on figures—it is the language of 300,000 more of Irish than of Scotch.

HON. MR. McINNES (B. C.)—It is the same thing.

HON. MR. DICKEY (B.C.)—We are asked to alter that section, and to say that three or four more languages shall be used in addition to those which the Act provides shall be used. It is unconstitutional, and I therefore say that this is a Bill which we have no power to pass in this Parliament.

HON. MR. POWER — Whatever objection there may be to the Bill of the hon. gentleman from British Columbia, I do not think it is open to the one which is raised by the hon. gentleman from Amherst. The British North America Act says that the French and English languages may be used by any person in the debates in the Federal Parliament and in the Legislature of the Province of Quebec, but that Act does not limit the power of the Canadian Parliament to making official as many languages as it pleases. It does not control our powers in that way at all, so that the Bill of the hon. gentleman cannot be disposed of on that ground. I am not familiar either with Gaelic or Erse, but as I heard the hon. gentleman's closing remarks in, I believe, his native tongue, I feel that there was a good deal to be said in favor of having that musical language used in Parliament. I do not propose to discuss the Bill at all, but I rise largely for the purpose of making a suggestion to the hon. leader of the House. I have noticed that the right hon. gentleman who leads the Government in another place does not, as a rule, when a supporter of his introduces a Bill which should not pass, and which has really almost nothing to be said in favor of it, call upon his friends to vote

it down. The policy which he adopts is, as a matter of courtesy to the hon. member who introduces the Bill, to give it a second reading, and then put it to sleep. Looking at the fact that the hon. gentleman who has introduced this measure has been able to show that the language to which his Bill refers is spoken by a very large portion of our population, perhaps the most courteous way to deal with his measure would be to give it a second reading, and afterwards, in Committee of the Whole, the objection might possibly be raised that it was a measure involving a tax upon the subject, and therefore one which did not come within the jurisdiction of the Senate.

HON. MR. ABBOTT—I regret very much that whatever my hon. friend may think is the practice of the right hon. gentleman who leads the House of Commons, I am unable to adopt that practice in the present instance, even though it were applicable to the present case, which I do not think it is. I understand the parliamentary principle to be that the reading of a Bill the second time affirms its principle. I would be sorry to see this Bill go off on a point of order, or in any other way than by a direct vote against it, showing that this House has not hesitated for a single moment in expressing its disapprobation of the principle of the measure.

HON. MR. BELLEROSE—I do not rise to discuss the Bill that is now before the Senate; neither do I say that I am greatly opposed to the measure itself. I believe it is a question which the Government has to deal with, and until the Government are ready to suggest that this favor should be accorded to any of our fellow men in Canada of other origin than English or French, I shall always be ready to negative such a proposition. But when the Government believe that the finances of the country will bear such an expense I will be ready to approve of the granting of such favors. My object in rising is to answer a comparison made by the hon. mover of the Bill, when he stated that while the French population had a right to the continuance of their language, Scotchmen or Irishmen had an equal right to have their languages officially recognized.

HON. MR. McINNES (B.C.)—I had reference to the North-West.

HON. MR. BELLEROSE—From all I have learned, a comparison, to be a good one, must be between two objects under similar conditions. In this instance the positions of the two languages compared are not equal. I find that the Gaelic language is confined to the British Islands, and is spoken by very few outside of the United Kingdom. French, on the other hand, is known everywhere; it is spoken in every part of the world. So universal is the use of the French language that when delegates from every civilized nation met at Washington some six years ago to discuss matters relating to the public health it was the only language which was understood by all, and they had to come to Ottawa to procure the services of two of our French reporters to report the debates of the conference. Only a few days ago a labor conference was assembled at Berlin, and there, again, French was used, because it was the only language understood by all. The comparison of the hon. gentleman is, therefore, not a sound one.

HON. MR. McINNES (B. C.)—The comparison is good, as far as our own country is concerned.

HON. MR. BELLEROSE—No; because even in this country of ours, since French is known everywhere, if you maintain that language you will be sure, when you go abroad, that you will always have a language which will enable you to communicate your views in any part of the world. If you use Gaelic, I do not know where it would be understood outside of the British Islands. I will not discuss the question itself. It is well known that the French language was guaranteed to us when Canada was transferred to England, and I feel sure that the great majority of the people of this country are ready to support us in our claim. For that reason I do not propose to discuss this Bill at all, and I have only risen to show that the comparison which the hon. gentleman instituted was not sound.

HON. MR. POIRIER—As there is likely to be a division on this Bill, I should like to say a few words in explanation of the vote I propose to give. To a certain

extent, I am favorably impressed with the idea, and I am sorry that I cannot vote for the Bill, not for the reasons assigned by our hon. leader, although I regret, in this case, that I am not in harmony with him, but because, first, of the fact that the Bill is, in my estimation, uncalled for. There have been no petitions to either House, or not a sufficient number to justify us in passing such a Bill.

HON. MR. McMILLAN—Has there been any petition?

HON. MR. KAULBACH—There have been no petitions.

HON. MR. POIRIER—The hon. gentleman from British Columbia read something in Gaelic—I do not know what it was. In the second place, I believe that if such a measure is to be passed it must be introduced by the Government, and not by any individual member, however prominent he may be. As to the principle of the Bill, a great deal has been said in favor of it, and a great deal could still be said. I am myself greatly in sympathy with the idea of doing anything to extend the use of the Gaelic language. I was surprised at the conclusion of the hon. gentleman's remarks when he told us that the object of this Bill was not to extend the knowledge of Gaelic, because it was disappearing anyway. If it is disappearing it is a matter of sentiment, and as such I do not believe it is worth while for us to inaugurate this legislation. If it were a matter of practice, I would be in harmony with it and would favor the Bill. With respect to the proceedings of this House, I think it would be perfectly useless to print them in Gaelic; and as it is already the right of any member to use that language in debate, and the hon. gentleman has himself used it in his speech to-day, there is no necessity to legislate for its use in Parliament. But, as a matter of fact, it is not used. We all acknowledge that the printing of our reports here in Gaelic will not be of any service to the public. If there is any considerable number of people in the country who use the Gaelic language I think it would be only right to have the laws printed in that language. But I cannot support the Bill as it stands. There are some sentiments expressed by my hon. friend to which I must take exception. He said, in making his comparison, that the same courtesy should be extended to the Gaelic that is shown to the French. The comparison in this case is not, in my estimation, a good one. French is used here, not by courtesy, but because the right exists under the constitution. It is a matter of privilege granted by the treaties with France and incorporated in our constitution. It would be a matter of courtesy to permit the use of Gaelic or any other language that is not now official. Further, I cannot agree with the hon. gentleman when he says that Gaelic, though taught in universities, is fading away in the same way that French is. I should be sorry if it were the case with Gaelic; I hope it is not, but I can assure my hon. friend that it is not the case with French. The use of the French language continues, not through any aggressiveness on the part of our people, but through a patriotic and conservative spirit. There is a difference, as my hon. friend from Delanaudière has pointed out, between a language that is not spoken officially anywhere in the world and a language that is spoken officially in one of the most glorious and powerful among the nations of Europe, and whose extension is world wide. We French in Canada feel that we are English by our laws and constitution; and that, being backed by France, and having discovered, settled and evangelized this land, we have as better cause to be attached to our language than another nationality would have; and that we are justified in our attachment, inasmuch as it is based upon history and backed by our motherland, where that language is still officially used. Therefore, the comparisons made by my hon. friend are not applicable to this case, in my estimation. Without making any further remarks, I may say that I cannot vote for this Bill as it stands, because I see no necessity for the printing of our deliberations in the Gaelic language.

HON. MR. HAYTHORNE—My excuse for rising to address the House upon this occasion is that I have lived for some forty-four years in a settlement largely composed of families whose original tongue was Gaelic. At an early period the heads of the houses, for the most part, were Scotchmen born in the old country, some of them, perhaps, in the islands of Scot-

land; yet, notwithstanding that, out of quite a numerous circle of families living in the immediate neighborhood I scarcely recollect one of the male heads of the family who did not speak English, and generally they spoke it with remarkable purity. I recollect one elderly woman, my very next door neighbor, who did not speak English, and with her I could not converse; nevertheless, we were the best of friends, her family and ours. I look back upon those associations with the greatest satisfaction, because I say from the bottom of my heart that no man could live amongst more friendly and intelligent neighbors than I did myself; but I cannot say that I believe the Gaelic language was of service to them. It may have been a thing to be remembered. I have heard many of my old neighbors say that they preferred to read Holy Writ in Gaelic, because they had been accustomed to reading it in that language. The next generation, to a great extent, spoke Gaelic, but it was not the familiar tongue to them that it had been to their parents. I doubt very much if the third generation now growing up in that settlement speak Gaelic at all, but they speak excellent English, which they have learned in the settlement school. If I could see that the claim put forward by the hon. gentleman from British Columbia was likely to be a valuable privilege to anyone of Celtic origin, I should certainly support his measure, but I cannot help coming to this hard conclusion, that the best thing for the Gaelic-speaking races now is to learn English as quickly as they can. To speak only Gaelic will, in my opinion, stand in their way, preventing them from obtaining employment and making money in situations in which, if they spoke English and French, they would certainly become more useful and more wealthy. That is my opinion with regard to this language. I am not aware that any of my neighbors, or any people of Celtic origin in Prince Edward Island have experienced difficulty or loss because of ignorance of the English language, and for this reason a very great majority of all the males speak English as well as most Englishmen do, and a great deal better than some Englishmen. This being so, I do not think there is any solid ground to be advanced in support of the measure before us. If I could see, as he appears to see, any solid advantage that it would confer on the Gaelic-speaking races, I would support the measure, but as I cannot see anything of the kind, I must vote against the Bill.

HON. MR. MACDONALD (B.C.)—As a Highlander, I wish to make a few remarks. The hon. gentleman who brought this Bill forward has no reason to be ashamed of what he has done. He has furnished a great deal of information on the subject, and spoken well of a race that has produced the best soldiers in the world. But we cannot close our eyes to the fact that Gaelic is not a commercial language, and, as he has told us, it is dying out of the land. In the very heart of the Highlands the English language is taught in the schools. No other language is taught. Gaelic is very expressive; it is the language of poetry, but it is not the language of science or of commerce, and all transactions carried on in the Celtic parts of Scotland are conducted in English. The hon. gentleman having brought forward his Bill, and spoken as he should have done of a race who deserve all the compliments he has paid them, I think the best course would be to withdraw the Bill for the present time. It is now before the people, and perhaps between now and another Session will gather more force and receive a better support.

HON. MR. MCINNES (B.C.)—Before any disposition is made of the Bill I wish to express my surprise at some of the remarks to which we have listened, especially those of my hon. friend from Acadia. Really the strictures and insinuations that he made against the Gaelic language, and those which we heard from the hon. member from Lunenberg, do not display that generosity and liberality that are supposed to be peculiar to the two races to which those gentlemen belong. As far as the leader of the House is concerned, he has given absolutely no reason why this Bill should be rejected, except that it would add to the public expenditure a few hundred dollars annually.

HON. MR. KAULBACH—Thousands of dollars.

HON. MR. MCINNES (B.C.)—Well, even if it were thousands of dollars, I think the money would be well spent. The hon. gentleman from Amherst raised a constitutional question, on which he is generally

a good authority. But to be forewarned is to be forearmed. I had a hint some days ago that that question would be raised, and I took the trouble to be prepared. I examined the question pretty closely, and not only did I satisfy myself that this Parliament could make any language it chose official, but I have the opinion of Dr. Bourinot, who is recognized as the highest authority in the country on constitutional questions, to confirm my own view. When I told him that some of our leading parliamentarians in the Senate thought that this Bill was unconstitutional, he ridiculed the idea. The hon. gentleman from Amherst has referred to the 133rd section of the British North America Act, which is as follows:—

"Either the English or the French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the House of the Legislature of Quebec; and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under this Act, and in or from all or any of the courts of Quebec.

"The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages."

Now hon. gentlemen will see in that section the distinction. The reason that English and French are mentioned there is expressly so that they could not be legislated out of the Parliament of Canada. It was in order to guard and protect the French language that that clause was constructed as it is. But does it say that you shall not legislate for the use of German, Italian or Gaelic? No. It is as plain as possible that Dr. Bourinot puts the proper construction on it, and I may add that the hon. ex-Speaker, who I am sorry to say is not in his place, concurs in his opinion. I submitted the question to him, and he agreed with Dr. Bourinot in the matter; so that it is within the purview of Parliament to legislate to add another or other languages to the two official languages that we have now. We have just as much power to legislate in that direction as we have to incorporate a railway company. I have only to add that on the leader of this House and on the Government of Canada I throw the sole responsibility of the defeat of this Bill. (Hear, hear). It is all very well to say "hear, hear," and to speak lightly of this Bill; but, as I said in my opening remarks, the hon. gentlemen must bear in mind that thirty-five members of the House of Commons hold their seats through the votes of the Highland Scotch in Canada. It would be very much better if the Government and their supporters did not sneer and speak lightly of the Highland language and the Highland Scotch people as they have done. In the near future they may hear of it in a way that may not be satisfactory to themselves, though beneficial to the country.

HON. MR. DEVER—I rise to say that I am somewhat grieved at the manner in which this grand subject has been brought before the House. The hon. gentleman who introduced this Bill commenced by telling us that the Highland Scotch were Celts. I feel he was right in that, but he forgot to state that it was a tribe of the Celts who had a peculiar language, a language the genius and origin of which are only known to philologists. I do not pretend myself to be a philologist, and on that point I speak with timidity, and am willing to admit that I have availed myself of the knowledge of others who have studied this language and the genius of it, and with the permission of the House I may be allowed to read a few quotations to show that the hon. gentleman should have pointed out the origin of his language, the number of letters used in it and whence it came to Ireland and Scotland. I feel the more called upon to do so from the fact that hon. gentlemen in this House, speaking on the subject, seem to differ widley. One hon. gentleman, who is known as a man of great intelligence, seemed to think that the Welsh, ancient Britons, Irish and Highland Scotch were the same clan. That, I think, is at variance with the fact. The ancient Welsh and British were one tribe of people; but the Scotch, on the other hand, and the ancient Irish, I hold, and I think writers on the subject also hold, were of another tribe known to have come from Asia and settled in Spain, and some 484 years afterwards, owing to a disturbance in that country and interference with their peculiar religion, which was that of the worship of Baal, the sun, they emigrated to Eri, now Erin, and co-operated with the Scotch, according to history, borrowing kings from each other; for I think it is to be found that a king from an Irish tribe was a king of Scotland, and that as the

Romans had a shield, so had the ancient Irish a peculiar stone, known, in their language as "Leafail," the stone of destiny, on which their Kings were crowned, and which was borrowed for that purpose by the Scotch, deposited at Scone, whence it was taken as a trophy by our English, and to-day may be found in our Queen's coronation chair.

HON. MR. POWER—I rise to a question of order. This is all very interesting, but it has nothing to do with the question before the House. The hon. gentleman should speak to the point before us.

THE SPEAKER—The House has been, I think, very indulgent in allowing the greatest license in the discussion of this measure, and I respectfully suggest that the hon. gentleman is giving us an aesthetic speech, which does not bear on the question.

HON. MR. DEVER—I wish to put some remarks made to this House on a correct and historical basis. I think I have proper authority for doing so, and I claim the right to be heard. Another hon. gentleman seemed to dispute the historical statement that the Scotch and Irish were not one tribe. I hold in my hand extracts from a work which, I think, if the hon. gentleman had consulted, would have made him more familiar with the facts bearing on our forefathers, of whom we are all proud and whose memory we do not care to hear ridiculed. The first extract which I will read is as follows:—

"The original language of Britain is that called by the ancients the Celtic; it was spoken by the original people of Britain, whose forefathers were as ancient as the globe itself. But the present English language is the Germanic, enriched by the ornaments of Greece and Rome, wherewith it is so bedecked as to hide its original cumbrous shape, and therefrom it hath been moulded into fine form and acquired much majesty and grace. This language is the language," he says again, "of the ancient Briton and Welsh, and is a totally different origin from the Scytho, Iberian, improved to the Bearla Feine, or Phœnician language, as written in Gaelag, 1365 years before Christianity, and is the language called Scottish Gaelag, Irish Erse, as in use at this hour, but languishing on a declining bed with the children of the land." Again he says: "The language is at this day called Bearla Feine, the signification of which is the Phœnician language, composed of sixteen letters, namely: A B C D E F G I L M N O R S T U."

HON. MR. POWER—I rise to another question of order. The hon. gentleman is reading his speech.

HON. MR. DEVER—I am only reading quotations. Again this writer says:

"The proofs here submitted to you are irrefragable of the identity of the Scotish language with that of the tribe that colonized Eri."

I have read this to show that the Scotch and Irish languages are the same, and that it was the language of the forefathers of many of us, and though rather obsolete at present, still I feel it is our duty, as defendants of that grand old people, to hold that respect and honor due them as the descendants of honored sires.

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

CONTENTS:

Hon. Messrs.

McCallum,	Pâquet,
McInnes (N. Westminster)	Sullivan,
Mcdonald (Victoria),	Sutherland.—7.
Merner,	

NON-CONTENTS:

Hon. Messrs.

Abbott,	Lougheed,
Almon,	McDonald (C.B.),
Armand,	McKay,
Baillargeon,	McKindsey,
Bellerose,	McMillan,
Bolduc,	MacInnes (Burlington),
Botsford,	Montgomery,
Boulton,	Murphy,
Casgrain,	Odell,
Chaffers,	Pelletier,
Clemow,	Perley,
DeBlois,	Poirier,
Dever,	Power,
Dickey,	Prowse,
Girard,	Read (Quinté),
Glasier,	Reesor,
Guévremont,	Reid (Cariboo),
Haythorne,	Robitaille,
Howlan,	Scott,
Kaulbach,	Smith,
Lewin,	Vidal.—42.

PATENT ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (17) "An Act to amend the Patent Act."

(In the Committee.)

On the 1st clause,—

HON. MR. POWER—I wish to call attention again to what has always struck me as being the inconvenience of this way of amending an Act. The whole effect of this long clause is to insert two or three words in clause 34 of the existing Act. It would have taken only two or three lines to make the amendment, but under this

inconvenient system the hon. gentleman himself finds it difficult to know at first sight what the amendment is.

HON. MR. ABBOTT—My hon. friend knows he is raising a question which has been greatly discussed amongst draftsmen as to whether the amendment shall be printed by itself, or whether the clause as amended shall be re-printed as a whole. I am rather inclined to think that the second way is the more convenient.

HON. MR. POWER—In England, where they have no consolidation, such as our Revised Statutes, the hon. gentleman's views would be correct, but here in Canada and in the various Provinces of Canada there is in each instance a consolidation of the statutes. We, in 1886, consolidated our statutes, and the statutes that govern Canada are to be found in two large volumes. Now that is a sort of Code, and I feel that the balance of convenience is very much in favor of making the amendments in the shortest possible form, so that every one who has a copy of the Revised Statutes can note the changes in the law on the margin of his statutes.

Clause agreed to.

HON. MR. ABBOTT—The 2nd clause is like the first, providing for two or three slight amendments, one of which is important. By the General Act it is provided that any dispute which arises shall be decided by the Minister or Deputy of the Minister of Agriculture, whose decision in the matter shall be final. This clause transfers the decision of the dispute to the Exchequer Court.

The clause was agreed to.

HON. MR. SCOTT—I rise to call attention to the fact that they have adopted in clauses 34 and 47 two different principles. The hon. gentleman from Halifax considers that it would be infinitely simpler and better if the proposed amendment were introduced by itself, instead of a reprint of the clause as amended, and we could then see what the changes were. No doubt, to those who are passing upon the proposed legislation it would be the better way, but I think if the profession were consulted, who, with the assistance of the courts, have to interpret the law, it will be found that it is infinitely better to repeal the whole section and re-print it as amended. Otherwise, you have to refer to two different volumes to find out what the change is. I notice with regret that the principle which the leader of the House has laid down is not followed in this case, for I see that the amendments in the 3rd and 4th clauses are made in the way referred to by the hon. member for Halifax as being the proper method.

HON. MR. ABBOTT—My hon. friend will see the reason is that the amendments in the 3rd and 4th clauses are very trifling.

HON. MR. SCOTT—It does not follow an invariable practice, that is all. I have been asked to propose an amendment, giving a degree of latitude that the law does not now permit to British subjects who have taken out patents in Great Britain, allowing them a longer period than one year within which to perfect their right in Canada, restricting that privilege to British subjects only, and to those who had taken out patents in Great Britain. I submitted the proposed amendment in the form it should come to my hon. friend, and I would like to know whether he has considered it, and whether the Government will accede to it or not?

HON. MR. ABBOTT—I have considered the suggestion made by my hon. friend, and have submitted it to my colleagues, and I must say that their unanimous opinion is against it. The law at present makes provision that any inventor shall be intitled to a patent for his invention if a patent has not been in existence in the country from which he comes for more than twelve months prior to the application for his patent in Canada. That is the period which has been selected in the United States, I am told, and it is considered to be sufficiently long to enable any person taking out a patent in any foreign country or in England to take it out here. Communication between foreign countries and Canada is very easy. Probably if this law were now made for the first time twelve months would not be allowed, but it was different when it took a month or more to cross from England to Canada.

HON. MR. MACINNES (Burlington), from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved the third reading of the Bill.

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

BILLS INTRODUCED.

Bill (79) "An Act respecting the Grand Trunk Railway Company of Canada." (Mr. Vidal.)

Bill (86) "An Act respecting the Central Ontario Railway." (Mr. Vidal.)

Bill (74) "An Act respecting the Federation Life Association." (Mr. Murphy.)

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Wednesday, March 19th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (90) "An Act to amend the Act incorporating the Manitoba and South Eastern Railway Company." (Mr. Girard.)

Bill (60) "An Act to incorporate the Rainy River Boom Company." (Mr. MacInnes, Burlington.)

Bill (58) "An Act respecting the Brantford, Waterloo and Lake Erie Railway Company." (Mr. McCallum.)

Bill (99) "An Act to incorporate the Owen Sound and Lake Huron Railway Company." (Mr. McKindsey.)

Bill (84) "An Act to amend the Act to incorporate the Victoria and Sault Ste. Marie Junction Railway Company." (Mr. McKindsey.)

Bill (82) "An Act to confirm an Agreement between the Montreal and Western Railway Company and the Canadian Pacific Railway Company." (Mr. MacInnes, Burlington.)

Bill (75) "An Act respecting the Calgary Water Power Company (Limited)." (Mr. Lougheed.)

THE ORANGE ASSOCIATION BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (32) "An Act to incorporate the Grand Orange Lodge of British America." He said: This is a Bill that has been sought for by numerous members of the association, resident in various portions of this Dominion. It is not my intention at the present time to discuss the merits of the Bill at any length, or state the objects to be attained by the passing of this measure, because the clauses of the Bill are sufficiently expressive to convey its general intention. I have postponed the consideration of this matter from time to time for the convenience and in compliance with the expressed desire of several members of this House. I am not sorry for having done so, because I am aware that the more they consider the nature of the Bill, and what is desired to be attained by it, the less opposition there will be to its passing this House. Therefore, I am perfectly satisfied to leave the matter in the hands of hon. gentlemen, knowing that they are at all times disposed to mete out equal justice to all classes of the community, and I have no doubt they will aid in rendering substantial justice to this class of the community, who consider they have had a grievance in the past. I do not know that there will be much discussion on this occasion; therefore, I reserve to myself the right to answer any discussion that may take place, and will content myself for the present by moving the second reading of the Bill.

HON. MR. SCOTT—I feel that I cannot allow this Bill to go without explaining in as few words as I can my reasons for the objection which I have against this legislation. The Parliament of Canada is asked to give its sanction to an institution that has been seeking incorporation at the hands of this Legislature for a considerable number of years, which sought it in the old Parliament of Canada, and by the Crown of Great Britain and Ireland, which sought recognition at the hands of the Governments of Great Britain and Ireland, and sought it in vain. There must be some grave State reason that prompted a Parliament in which the Catholic element was so little represented to refuse that institution recognition by the State. The reasons

are, of course, inherent in the principles on which the order is established. I do not propose now to go into a history of the institution, in order to illustrate, as I could do, the many reasons and arguments that could be adduced against any recognition of an institution of this kind. I will simply point out the objects of the society at its original inception, and the purposes that have marked its history since the time of its inauguration. Hon. gentlemen who are at all conversant with the history of the last century must be aware that this society was instituted for the purpose of preventing the removal of the disabilities of the Catholics of the Empire. I need not point out what those disabilities were. They were of a very grave and serious character. The Orange society made no secret whatever that that was its purpose. They considered that the ascendancy of the Crown of Great Britain would be endangered if Catholics were allowed the ordinary privileges of freemen—if they could be elected to the House of Commons, if they could be appointed as magistrates, if they could serve on grand juries or had any recognition under the laws of the country. The origin of the society was in 1795. The first occasion when we find public attention drawn to it in a very marked degree was about the time of Catholic emancipation, because it is well known at that time the order took very high constitutional grounds—they have always professed to be more loyal to the State than the Crown itself—in opposition to what is called Catholic emancipation. Hon. gentlemen need not be told what that was. Within the lifetime of a large number of gentlemen who now hear my voice no Catholic could be elected to the House of Commons of Great Britain and Ireland. Though in Ireland seven-eighths of the population were Catholic, they had no representation. The object of the society was, of course, to prevent their being so represented, and the society became so decided in its action that the British Government was forced to intervene. The first action taken was to restrain the society from exhibiting itself in public in the way of processions. It is a singular feature that that stand was taken by a Government that has contributed very largely to the governing element of the Dominion of Canada. No less than three of the ancestors of gentlemen who have been Governors of Canada were represented in that Cabinet. The ancestor of the present Governor General was then Secretary for Ireland, and there were included in the Cabinet the predecessors of Lord Lansdowne and Lord Durham. As I have said, there must have been very strong and very grave reasons which prompted those gentlemen to suppress the society. Mr. Stanley—who was then Secretary for Ireland—in answer to a statement that other societies formed for political purposes were allowed to exist, gave as his reasons for supressing the order in public and not allowing them to walk :

"If the Bill would, in practice specially, touch Orange processions, that could only be because the Orangemen persevered more than others in keeping up feelings of religious animosity. These processions had a manifest tendency to provoke a breach of the peace and cherish party feelings. It was, therefore, the duty of the Legislature to put them down."

That was the answer of the Government, and notwithstanding a pretty bitter fight in the House, which, of course, was largely Protestant, they carried the Bill, and did what they could to stop the processions. Then the House of Commons took the question up as to whether it was really proper that this society should continue to exist or not. A very voluminous report was made to the House, and the conclusions come to were that it was not proper that the society should continue to exist in Great Britain and Ireland, or the colonies, as far as they could control it. The reasons are given very fully in the report, and the Orangemen, feeling that public opinion was strong against them, very properly determined to suppress themselves, and so they did. I will read just a few lines from that report, and hon. gentlemen will see for themselves the reasons that prompted that action on the part of the House of Commons. I will be told, no doubt, that the object of this society is a benevolent one, for the purpose of keeping up fraternal feeling among its own members, and for the purpose of instituting funds for the relief of their own widows and children. Now, at all times that has been a prominent claim put forward by the society. While I think that those are objects that we should all desire to favor and sustain, they can be carried out by the society without this formal recognition by the Parliament of Canada of its existence. When the question came up in the Legislature of Ontario, a body of gentlemen,

almost entirely Protestant—there were only three Catholics in the House—even there the vote on the second reading of the Bill was only carried by a majority of eight, showing that they recognized there was a minority element in this country that had some right to be considered in granting official and parliamentary recognition to this body. The Government of Ontario declined to approve of the Bill, and it was referred to Ottawa. The Government at Ottawa also declined to interfere. In order that no ground of complaint should exist, the Ontario Government shortly afterwards did what I think was very proper—they passed a general law, under which this association could obtain the authority for acquiring property and for managing its affairs without its being obtruded on the Statute-book as a recognition by the Province of the order itself, because it is for that rather than any other reason that a large minority of the people of this country take exception to this Bill. It necessarily, from its past history, is aggressive from their standpoint. I do not mean to say that there are not very many excellent men in the order, excellent citizens, as good as there are in the country, and no doubt it is the influence of many of the leading members of the order that has kept it within reasonable bounds. If one were quite sure that that kind of influence could always preserve it within bounds, although one might feel offended at the official recognition of the society, still there would be a feeling that it would not be aggressive because of that influence in the order. But, in legislating on questions of this kind, we cannot shut our eyes to the fact that, no matter how well-disposed the leaders and controllers of a body of this kind may be, its purposes are unpleasant, aggressive and hostile, to a very large element in this country. The minority element, of course, is very large, and if it were not that Parliaments in the past have considered that some degree of regard was due to their feelings this Bill would have been on the Statute-book long ago. The first time that I had occasion to vote upon this question was so far back as 1858, thirty-two years ago, in a House of which a large majority were Protestants. A similiar Bill to this was introduced by Mr. Benjamin, an excellent and a very popular man of that day. The Bill, on the introduction alone, was only carried by the casting vote of the Speaker, and on the second reading it was thrown out in a House largely composed of Protestants. The motive that actuated them was a recognition of the tender rights of the minority. Hon. gentlemen may not be disposed to consider that those tender rights are entitled to very much consideration, that the feeling has been overdrawn and more highly colored than circumstances justify, but one cannot ignore the history of the past. Without going into any controversial point connected with the history of the society, I may lay down this as a fact which will not be disputed, that it has been aggressive. It may be said that the other side has been aggressive also. No doubt the existence of the Orange association has led to the formation of other societies that had the justification of being organized in self-defence. I do not propose to justify their course. I think it was wrong that they should have been allowed to go into operation—very wrong, in a community such as ours, or any community, that secret associations should exist, where feelings that are developed in close lodge rooms are not those of fraternal charity to people who differ from them. I am not speaking now of one society or another, but we know that the result of the development of this institution was the production of similar associations and orders on the other side, and that has time and again led to very grievous trouble. I will take the opinion of the House of Commons, controlled by one of the best Governments of that day. Under the influence of that Government, here was the conclusion of the House of Commons:

"The obvious tendency and effect of the Orange institution is to keep up an exclusive association in civil and military society, exciting one portion of the people against the other, to increase the rancour and animosity too often unfortunately existing between persons of different religious persuasions—to make the Protestant the enemy of the Catholic and the Catholic the enemy of the Protestant—by processions on particular days, attending with the insignia of the society to excite to breaches of the peace and to bloodshed—to raise up other secret societies among the Catholics in their own defence, and for their own protection against the insults of Orangemen; to interrupt the course of justice, and to interfere with the course of justice and discipline of the army, thus rendering its services injurious instead of useful, when required on occasions where Catholics and Protestants may be parties. All these evils have been proved by the evidence before the House in regard to Ireland, where the system has long existed on an extended

scale, rendered more prejudicial to the best interests of society by the patronage and protection of so many wealthy members, high in office and rank, taking an active part in the proceedings of these lodges, though in Great Britain in a more limited way.

"The Orange lodges have also interfered in various political subjects of the day, and made Orangeism a means of supporting the views of a political party, to maintain, as they avow, the Protestant ascendancy."

It goes on in the same strain and the same spirit. We are quite willing that the society should continue to exist in this country with the facilities given them to hold property, but we do think it is asking too much to expect Parliament to recognize a body that, as I said before, has been refused recognition by the Parliament of the mother country. Canada ranks, I believe, as the principal dominion (of course excluding India) of Great Britain, outside the United Kingdom. This Parliament is now asked to give this association official recognition, which I think is a mistake. It can only be under protest of those who feel that their best sentiments are outraged by this official recognition. I do not desire and I am not going to embark on very many questions that are germane to this subject. I simply wish to put on record my own protest against the official recognition of the Orange society. It has now, in several Provinces of the Dominion, powers to hold lands and carry out any of the benevolent purposes for which the society desires under this Bill to obtain increased powers. I, for one, would not object to their coming in under the general law. A gentleman near me says that there is nothing objectionable about the Bill. That may be so from his standpoint, but from my standpoint, and in the opinion of those who think with me, there is this objection—it is an official recognition of a body whose birth was an aggressive one against the Church to which I belong, whose history during the last seventy-five years has been quite in harmony with the objects of its birth, acting as they say under the belief that their course is the best calculated to sustain the supremacy of the Empire. We profess, on the other side, to be equally good subjects. We have fought in the same fights, we have taken part in the same battles to maintain and sustain the constitution under which we live, and we hope to join hands in the future in any necessary movement of that kind; but at the same time we cannot but feel that it is unfair to a large class of our people that the stamp of official recognition should be given to the Orange body by the Parliament of Canada.

HON. MR. O'DONOHOE—Before this Bill is voted on I have a few words to say. I agree with the last speaker that it should never have come before the Parliament of Canada. The Orange society has been refused official recognition in the old land, where its history was known; its processions were suppressed, and the body itself had to be dissolved. After one hundred years of its history it caused those authorities to effect those changes, and I regret to find that it is carried to this new country, where it was not needed. If in the old land, where the great majority of the country in which it had its birth were of one faith, and the Protestants only a small minority, there was any cause for a feud or for the existence of a secret society to defend themselves against the large majority, surely that does not obtain in Canada. Is there any use for a secret political society in Canada?

Now, that is the question that should be calmly considered by this House, at any rate. If there is a function that this House has more than another, it is to protect the minorities in every part of the Dominion. The Orange association is a secret political society that brought no credit to the land in which it lived for nearly one hundred years, and why should it be imported into this new land, where there is nothing to be complained of, where there is government by the people for the people; where there is a free press; where there is a free people? Surely the great object of its existence, to support Protestantism, does not exist here? There is no danger that where there is over the whole Dominion only one-third of the population Catholic that they are going to subvert Protestantism. Protestants disdain to be considered as allied with this organization. Protestantism would not bear to hear that they needed it in this land. Who then wants it? There is no need of it. Not for the protection of Protestantism surely? What, then, is its object? Its object is purely political. It is a political organization. This Bill would not be here to-day but that it is a political organization, nor would it have ever come here for its second reading had it not been for a political combination. That is what it means—no more, no less. Is it wise to foster, to recog-

nize secret political combinations in this free land of ours? Does it increase or improve a neighborhood? Does it improve social intercourse? In times of peace is it likely to preserve the peace? Is it safe in times of difficulty to have secret political societies in our army or in our camp? The investigation referred to by the last speaker, in England, disclosed the fact that thirty-six lodges were found in the army under the Duke of Cumberland, and it was found that this very loyal body—because they possessed, according to one side of their shields, all the loyalty that is to be found in the world—was organised within the army for the purpose, as the report and history assert, of preventing the succession by her present Most Gracious Majesty. They were a conspiracy in the army for the purpose of securing to their Grand Master, the Duke of Cumberland, the position which Her Majesty holds to-day. And they are the loyalists of Canada; they would subvert the constitution and destroy the succession for the purpose of putting their Grand Master on the Throne. They are so loyal that they have loyalty planted in front of everything that they introduce, but their acts speak another language. They are double-faced, and they are double-tongued. They have two tongues and two faces, and these are always working. Now, I will ask the House to allow me upon that point to read from the *Edinborough Review* an article founded upon the report which has just been referred to:

"One of the saddest and most discouraging features in the condition of Ireland is the intenseness with which party spirit rages there, and the extent to which it perverts the minds of men of all ranks, and blinds them to their plainest duties. We had indulged the hope that Orange riots had become a matter of history: but the sanguinary events of Dolly's Brae have dispelled this illusion, and attracted public attention to the saddest of all tasks—the Government of people who boast of their loyalty as an excuse for lawlessness, and while clamorous for the rights of free men, can only be restrained by force from engaging in civil war. Our readers are aware that the 12th of last July was celebrated in the North of Ireland by the Orange party; that in the County of Down the march of a procession was followed by rioting and the loss of several lives, and that, after a formal enquiry into the circumstances by Mr. Berwick, on the part of the Government, Lord Roden, Mr. W. Beers, and his brother, Mr. F. C. Beers, were dismissed from the commission of peace, in consequence of the share they had taken in these transactions.

"Nothing could be more praiseworthy than the published rules of the Orange society. They prescribed loyalty as the point of honor, obedience to the law as the first duty; they prohibited the admission of anyone capable of upbraiding another on account of his religious opinions, and they inculcated peace and good will. But never did any society exhibit such a glaring inconsistency, rather such a positive contradiction between its professed principles and its actual practice. The facts which came out before the committee surprised all parties, none more, we believe, than the Grand Master himself. It appeared that the Orange oath of allegiance had once been avowedly 'conditional:' and that the same spirit remained, although the words had been changed; that, contrary to law, warrants had been issued to military bodies; that the inadvertence of the Grand Master had been taken advantage of, and his confidence abused by the officers of the institution; that the practice of the society was to resort to every contrivance—by songs, speeches, party tunes, processions, emblems and mottoes—to insult, to domineer over, to offend and irritate their Roman Catholic neighbors: and the result of its working was seen in outrages, murders, houses wrecked, villages destroyed, riots without number, law perverted, justice denied, and the animosity of the rival parties wrought up to madness.

"To give some idea of the responsibility falling upon those who encourage Orange processions, we will enumerate a few of the principal Orange riots in the five years preceding the formal dissolution of the society in 1836. At Crossar, in 1830, in the County of Down, a formidable armed procession, exhibiting warrants from the Duke of Cumberland, openly resisted the police, and only retreated before an overpowering military force. At Dungannon, in Tyrone, they overawed the magistrates, and by force compelled them to disobey the orders of the Government. At Tanderaghee there were riots and murders. At Maghera, in Londonderry, the Roman Catholic party having dispered, the Orangemen broke their promise to the magistrates, evaded the troops, and rushed upon the village of Drumard. There they fired upon the peasantry, who fled, and continued to wreck and burn the houses, until at length the military re-appeared, and drove them back at the point of the bayonet. Mr. Hunter, the magistrate, in his report to the Government, says: 'Anything so disagraceful to the character of men and of Protestants—so savage, so lawless, and so uncalled for—cannot be forgotten; the whole was done with such deliberation, and in open defiance of the law.' In Armagh, and this instance shall conclude our list for 1830—some Orangemen passing in procession through the Roman Catholic village of Maghery, and playing the Protestant Boys, were beaten, and their drums broken. Two days afterwards the Orangemen attacked Maghery. There was no opposition—the inhabitants fled for their lives; an old man was beaten—a widow, within eight days of her confiment, was wounded with a bayonet, and knocked down—her son, a half-witted lad, was fired at—another woman and her infant were beaten and knocked down—and twenty-eight houses wrecked and burned, and every particle of property pillaged and destroyed. The sequel is characteristic of the state of society there. The Roman Catholics who broke the drums were convicted, and sentenced to three months' imprisonment; but, though the wrecking of Maghery took place in open day, in the presence of Colonel Verner himself, though the rioters' names were known and their identity sworn to, not one of them received a punishment whatever.

"These horrible events startled even Colonel Verner and his brother Orangemen, and the advice they then gave derives additional weight from additional occurrences. They earnestly recommend the abandonment of all party processions, and 'trusted that no persons of respectability would be found so regardless of consequences as to incur the heavy responsibility of countenancing the celebration of any day, in a manner calculated to give offence to any person whatever.' But having thus discharged their consciences, they continued to support and stimulate Orange processions by every means in their power.

"In 1831, at Tully Orier, in the County of Down, an old woman was shot in her house, and four men were pursued by the Orange party, fired upon, and driven into the river, where they were drowned. In 1832, under the impending Party Processions Act, the Orange leaders exerted themselves, and with considerable success, to prevent the usual processions. But at Dungannon their advice was not followed, and riots took place. In 1833 there was great rioting in Lurgan, Tanderaghee (where, at Lord Manderville's gate, a magistrate was burned in effigy, in the presence of Dean Carter), Loughall, Ballyhagan and Cootehill. In 1834 similar scenes were enacted at Belfast, Portglenone, Portadown and Dungannon. In 1835 there were numerous riots—at Belfast, Kilrae, and other places; but we have no room for an account of any except that at Annahagh, near Armagh. A Protestant and his daughter had there been beaten by the Roman Catholics, in revenge for which the Orangemen turned out, armed with their yeomanry fire-locks; they attacked Annahagh, and burned and wrecked nine houses, when they were stopped and driven off by the police and military. It is almost superfluous to record that for beating this man and his daughter four Roman Catholics were transported—but for burning nine houses not a single Orangeman was punished in any way. There is a melancholy similarity in the details of the occurrences, proving that they did not arise from accidental or different causes, but were the certain result of a system, according to which the Orange processions were arranged on recurring anniversaries, in the way calculated to produce the utmost excitement and irritation.

"It was very extraordinary to see men of education, principle, and otherwise estimable character, so deceived by their own assumptions, and so bewildered by the noxious influence of party spirit, that though familiar with the state of things we have described they actually denied its existence, or boldly attempted to justify it to the world. Colonel Verner asserted that the Orange society, as a body, had never interfered in any political question; Colonel Black did not consider 'Croppies Lie Down' a party tune: affirmed that the anniversaries of the 12th of July were peculiarly tranquil, and that administration of justice was pure. The enquiry by the committee of 1835, however, brought the truth fully to light. The exposure was complete, the condemnation universal. All classes, creeds and parties then united in declaring that the Orange organization must be arrested, that the supremacy of the law must be vindicated, and that no party in the State should be permitted to arrogate to themselves superior privileges, and insult their fellow-subjects, under ground of a pure religious belief or on the false and insolent plea of superior loyalty.

"The Orange leaders, we are happy to say, at this juncture, yielded a manly and dignified obedience to the will of the nation, as expressed in an address of the House of Commons, and the answer of the Crown. Notwithstanding considerable resistance from the Irish portion of the body, the Grand Lodge, in April, 1836, dissolved this society, and through their organ proclaimed that they did so, not in compliance with expediency, but for the sake of principle—that they would neither repent of the deed nor recall it."

HON. MR. McFARLINE—What is the date of the article that the hon. gentleman is reading from?

HON. MR. O'DONOHOE—I am readding from *Edinborough Review* of 1836. That was the course there, and the time embraced in these transactions only extends over five years. The twelve years that the society had been dissolved were twelve years of solid peace to Ireland. In no twelve years during the last century did peace reign so supreme as it did during the twelve years of its suppression; but immediately upon their re-organizing the same state of things continued as before. This was, the state of affairs in Ireland. Its history there was a dark one. I do not desire to harrow the feelings of anybody in this House in going back to these events, and I am merely taking up one point in their history, to show what it was in Ireland, and to show that this society had its origin there. Whether there was cause or not, even assuming that there had been cause, there is no reason for bringing it to this country. The causes that obtained in Ireland do not exist here, and the causes having ceased, the effect should cease also. Orangeism or any other ism of a secret political character is not needed here. Any man who has anything to complain of here can say it as free as the wind, as free as water, as free as air. Why, then, should we have secret societies? It is not consistent with our free institutions. We have one of the freest governments in the world—a government from the people direct, and springing more from the people's control, perhaps, than in any other country in the world. We may have differences from time to time, party differences on party grounds; but all parties admit that we have a good system of government—one that we would not change for anything else in the world—and under such a system of government, why should we in this House foster these secret combinations? Can any man who votes for that measure say to himself: "By doing so, I make society better; I tranquilize the country by giving that vote?" Can any man, on his conscience, say he has improved society by giving his sanction to an Orange Bill at this period of the world's history? Can any one say that our people would march to the front in time of trouble in the same united spirit they would if we had no lodges? In the army in England, where lodges were organized, they were suppressed immediately when found. They were as provocative of evil and disunion in the army as here, and every man can easily consider to himself how that may be. If you have a regiment with one hundred Catholics, and they are banded together in a secret society, and you have

a hundred Orangemen banded together in a secret society in the same regiment, have we the same army? Have they the same impulse, the same united aim that they would have if they were merely citizens brought together under the drill of the country, under their commanders? Is there no danger? I say there is a danger. I am speaking to this House frankly; I am speaking to it without regard to what Orangeism has been in the past or what it may be in the future; but I speak in the public interest, in the interest of peace and in the interest of social existence and happiness in this our new and happy land, in which we ought not to foster, encourage or recognize any secret political organization. Since Orangeism came here, how have those societies conducted themselves? A few events will demonstrate it, a few events fresh in the memory of every man here, from the burning of the Parliament House in Montreal until you come to Prescott, where the black flag was hoisted. Then coming to Kingston, where the son of Her Majesty would not be allowed to land unless he marched under an Orange arch. He had with him the Duke of Newcastle and his suite; the Orangemen came to meet them and he could not land there. That was loyalty to the Queen's son. They have all the loyalty. That is Orange loyalty. Then a step further west, to Toronto. He wanted to go to church on Sunday, but the Orangemen there had built an Orange arch. He would not go under the Orange arch; therefore, they would not let him go to church. They filled the streets. They were for mobbing him if he took any other route on that occasion to get to church; still, notwithstanding the annoyance and humiliation he had to suffer, he would not bow his neck or humiliate himself to go under the Orange arch, because it was the policy of the British Government that Orangeism should not be fostered or recognized. We had another specimen of Orange loyalty in the city of Toronto—a very nice specimen. Lord Elgin came to the city of Toronto, where he was addressed by the people—a grand man. We all remember him. He was rotten-egged in the streets of Toronto by the Orangemen. But these were loyal Orange eggs.

HON. MR. MCKINDSEY—You are wrong.

HON. MR. O'DONOHOE—No; I was there. I am speaking by the book. At any rate, these are a few specimens of Orange loyalty, Orange freedom of speech, Orange fair play. These are evidences of them; but, for us the minority, living in Ontario, we have quite another tale to tell. It is not eggs—not even loyal Orange eggs that are thrown at us—it is bullets; it is stones. We see the Archbishop at the head of his flock moving from one church to another, performing a pilgrimage in solemn silence and prayer, without any insignia or colors, or anything else. We see them run upon, stoned, pistoled and driven as if they were wild animals. We see bloodshed, women and men frightened, and such a scene, perhaps, as has never been witnessed in any other city in Canada. Now, that is conduct that we have a right to represent to this House. We have a right to ask this House, who are a judicial body, and capable of considering the rights of the minority as well as the rights of the majority—we have a right to ask them, in view of occurrences of this nature, is it desirable to sanction a body of men who are capable of such acts, for good men are known by their observance of the laws? Men who violate the laws never can and never could be called good men in any period of the history of the world. Another man came out to Canada—whether he was prudent in coming to this country or not is a question, but he came to a country over which floated the British flag, and which he heard was a free country—I refer to Mr. O'Brien. He went to Kingston and he had a hairbreadth escape from being murdered there, and he had the same experience in the city of Toronto. These people might find fault and say that he had no business coming to this country, but was it for them to take the law into their own hands and avenge themselves?

HON. MR. MCDONALD—It served him right.

HON. MR. O'DONOHOE—Do I understand my hon. friend to say "Yes?"

HON. MR. MCDONALD—To what?

HON. MR. O'DONOHOE—That they were right to take the law into their own hands.

HON. MR. MCDONALD—No; I did not say that; I said it served O'Brien right, that was all.

HON. MR. O'DONOHOE — My hon. friend may say it served O'Brien right, but if stones were thrown at his own head he would scarcely say it served him right.

HON. MR. McDONALD — I did not break the law.

HON. MR. O'DONOHOE—Nor did Mr. O'Brien on that occasion break the law. On another occasion the Orangemen in the city of Toronto, without any provocation, broke down a hotel, simply because Mr. McGee was dining there on the 17th March, and they pursued him to the Parliament House, were he told the House the circumstances, but the owner never received any remuneration, nor were there any convictions made. The judges themselves said on the bench that the officials and the constables were altogether with these people, and Chief Justice Richards said there was another oath beyond the oath of their office that they observed, and no man could be brought to justice under it. That was the state of things there. Look at the sad results flowing from the Orange procession in the city of New York. They may have had some provocation. They were out in procession; but supposing there is a provocation, does that justify wholesale slaughter? If a child throws a red rag at a bull, can the bull be justified if he takes the child on his horns and tosses him in the air? There were sixty lives laid in death because of the procession in 1871 in the streets of New York. If there had been no procession of that kind no lives would have been lost. Would it not have been better for society to be without such an organization? Would it not be better for society here to be without them? I submit to this House that we should give no countenance to Bills of this character. Next Session a Bill of a very different nature may be brought before us by some other secret society, and we cannot very consistently say no to it if we say yes to this one. Outside you hear it freely stated that this House has its mind made up—that this Bill comes to the Senate under the sanction and with the approbation of the Premier of the Dominion; that, in fact, it is his design, and I have very little doubt it is, because the maker's name seems to be stamped on the blade pretty well. He is himself one of the order, and no doubt does everything in his power to foster it, and has always done so. In my humble judgment this House should not pass this Bill. We should not care under whose auspices the Bill was brought up or who brought it here; the question for this House should be, is it beneficial to society to give this organization that recognition which is sought? It is not what is on the face of the Bill I read to you. What is on the face of the Bill amounts to nothing. The Orange order can in every one of the Provinces have all the rights they want as to holding property, and as to benevolent purposes, so it is not for that it is brought here. It is to give the society recognition. Now, hon. gentlemen, in all frankness I believe that a more serious question you have not been troubled with in your time in this Senate, and if there ever was one that should be well considered before we cast our votes it is this Bill. In withholding our support from it we are hurting nobody; we are producing no bad effects. We are irritating no party. They have all the power they want for holding property and for benevolent purposes, and why do they ask the Parliament of Canada to give them recognition. For my part, I believe it is unwise to recognize any society of the kind—not merely the Orange society, but any society whatever that is secret and political. These societies begin in a very peculiar manner. They do not do good to the Orangemen. The great mass of the Orange body are not benefited by them. It is simply the bell wethers—the fellows that make use of them for positions—these are the men who make use of the other poor fellows, and all they get in return is to be trotted out under the burning sun on the 12th of July to parade the streets. These societies do them harm, by subjecting their members to excitement, and I believe that they would not be any worse Protestants by not having this organization, and that the state of Protestantism in Canada does not require their assistance. England says: "We don't want your assistance," as she has told them freely and frankly over and over again; "the civil power is strong enough to protect the country." The Orangemen offered to take up arms for Ireland, but their offer was repudiated. Under these circumstances, I ask hon. gentlemen to consider calmly whether they are doing a benefit or an injury to Canada by legalizing a system of secret societies in our political affairs.

HON. MR. MCMILLAN—I regret very much, though a co-religionist of the hon. gentlemen who have just spoken, that I have to take an entirely different view of the question before the House. It is not for us to consider whether this organization is required in Canada or not; it is for us to consider whether the gentlemen who are seeking incorporation at our hands are entitled to the rights which other citizens in the Dominion of Canada have hitherto had. They, no doubt, see some good in the society. They, no doubt, understand what they are entering upon when they become members of this society, and it is under such circumstances we are to judge them here, and not from our standpoint as Roman Catholics, who are supposed to be opposed to them. If I thought this Bill would give Orangemen the right to insult or harm the Church of which I am a member I would oppose it, for I hold my Church as dear as anyone; but the object of the Bill, as I understand it, is simply to enable the society that already exists to hold lands, and to carry out certain benevolent objects. I do not think that the speeches of my hon. friends who have preceded me have done much towards creating harmony or good feeling amongst the people of this country. I think it is really distressing to hon. gentlemen who take a calm, honest and disinterested view of this question to listen to a history of the society of half a century ago. I have read a great deal of its history myself, and I must confess that, perhaps, as a Catholic, and belonging to a different nationality, I cannot appreciate it to the same extent that my hon. friends, whose ancestors, or who, perhaps, themselves were born in the country where this organization had its birthplace. But, after all, I judge of that organization as I find it here. Some of the best men I have ever met were Orangemen. I have met them socially; I have met them professionally; I have done business with them, and I have never known that they were made of different clay from my co-religionists. Why then should I deprive them of a right that other citizens have obtained and are now seeking in this House? This is not the first society to whom we have granted a charter of this kind. Last year we granted an Act of incorporation to the Independent Order of Foresters, which was almost word for word the same as this Act—and it goes even a little further, for it gives them power to invest their funds and to become almost a loan company. Now, when we granted a charter to the Foresters, why should we deprive the Orangemen of the same privilege? Is it because they have a history that appears black in the eyes of Irish Catholics? I should think that the only way to wipe out differences of that kind which have hitherto existed would be to meet them with the right hand of fellowship, and say, as Catholics and as friends, we will grant you what you want, and by so doing deprive you of your grievance. I did not intend to say a word on this question, but I do not believe that the speeches which have been made by my hon. friends, which were certainly of a very recriminatory character, have done their side of the question any good, nor do I think that they have changed the opinion of any hon. gentleman present. I am thoroughly satisfied that I, belonging to the same religion as my hon. friends from Ottawa and Toronto, have at my back just as many of the hierarchy of this Dominion as they have, for they want no struggles, they want no feuds, and no dissensions of any kind. I may remind my hon. friends that when the Roman Catholics were asking favors in the Legislature of Canada the Orangemen were their best friends. Now, I say it is time for us to return the good they have done to us in times gone by. Out of fourteen Orangemen in the Legislature of Canada, when we asked for the separate school system, thirteen of them voted for it. They helped us to incorporate the Jesuit College in Montreal, and other Catholic institutes; yet, when they come before the House for a charter we are asked to deprive them of the common rights of citizenship. With a view to create peace, order, harmony and good fellowship in this country, and to restore that union that we ought to have to make the Dominion of Canada a country worth living in, a country where no such distinctions are known, the sooner we meet each other upon common ground and give to others what we demand for ourselves the better for the future welfare of this Dominion.

HON. MR. POWER—I do not take exactly the same view of this question as any of the hon. gentlemen who have preceded me, and although there has been, perhaps, enough said about this

Bill, I propose to say a few words more. I think that the hon. gentleman from Ottawa and the hon. gentleman from Toronto were perfectly right as a matter of principle. The objections to this Bill are several. In the first place, there are grave doubts as to the constitutionality of the Bill, and although hon. gentlemen may be disposed to fancy that there is not very much in the constitutional objection, I would refer them on that point to the remarks of the present Premier of the Dominion. In 1873 the Ontario Legislature passed an Act incorporating the Orange Association, and the Lieutenant-Governor of Ontario, acting under the advice of his Executive Council, reserved that Bill for the consideration of His Excellency the Governor General. The matter in that way was brought before the Government at Ottawa, and this is what the present Premier, who was then Minister of Justice, said with respect to the Bill:

"If the Acts should again be passed, the Lieutenant Governor should consider himself bound to deal with them at once, and not ask Your Excellency to interfere in matters of provincial concern, and solely and entirely within the jurisdiction and competence of the Legislature of the Province."

It may be urged, as it has been urged, that this is a case like those of the Methodist Church and of the Presbyterian Church which had distinct organizations in the different Provinces, when they came to Parliament to confirm the union of the several local churches with one another, when what had been previously separate provincial organizations were anxious to become united Dominion organizations. The Bill before us is not like those, because in both those cases these religious organizations had legislation from the Provincial Legislatures, and they came to Parliament to suplement and complete that legislation. The principal object of this Bill, as far as one can gather from reading it, is to enable this body to hold real property throughout the country. Now, the power to invest a corporate body with the right to hold real property in a Province belongs to the Local Legislature, and it belongs to the Dominion Parliament only incidentally to some other general right. I do not myself think that the incorporation of this society is a thing which really comes within the jurisdiction of Parliament at all. It is possible that if all the Provincial Legislatures had agreed in recognizing the existence of this body as a corporation, that corporation, having an existence in all the Provinces, might come here to ask us to supplement the provincial legislation by recognizing the whole body as one corporation. The Orange association are incorporated in Nova Scotia, New Brunswick and Manitoba, and there can be no necessity for incorporation, I should say, except in Ontario and Quebec. Now it happens that the people and the Legislatures of these two Provinces are not willing to incorporate the Orange body, and the promoters of this Bill come to Parliament and ask Parliament to override the wishes of the people of Ontario and Quebec, by granting them the recognition which they cannot get from the Legislatures of these two Provinces. I think we should pause before we pass a Bill of that sort. We propose to override the wishes of the people of the two most populous Provinces of the Dominion, Provinces which, together, contain about three-fourths of the population of the country. So much on the constitutional point. A great deal more might be said; but I do not propose to take up the time of the House with a discussion of that kind. Then the principle of the Bill is objectionable on the ground stated by the two hon. gentlemen who opposed it. It is a recognition by the State of an oath-bound secret society. The hon. gentleman who has just sat down wanted to know why this society should not be recognized by the State as well as other societies of a perfectly harmless character. If the hon. gentleman had stopped to think he would have seen that if the reasons against recognizing this society were so potent in the old country as to prevent it being recognized by the Government or Parliament there, not only potent enough for that, but so potent as to induce the Government there to break up the organization——

HON. MR. MACDONALD (B.C.)—That was fifty years ago.

HON. MR. POWER—I do not care to advert to recent evidence, but the hon. gentleman from Toronto quoted a good many incidents which go to show that the spirit of the Orange body had not changed very much during the last fifty years, and that in the city of Toronto to-day the same

spirit is manifested that was manifested in Ireland fifty years ago. The Government and Parliament of Ireland recognize without hesitation bodies of a benevolent character, such as the Forester's association; and to compare the incorporation of a college, and institution of learning, with the incorporation of this body, seems to be a most extraordinary thing. I am surprised that the hon. gentleman from Glengarry should have made such a comparison.

HON. MR. MCMILLAN—We must look at it from their standpoint.

HON. MR. POWER—That is just one of the misfortunes about the matter. The members of the organization do not look at these matters from anything like a disinterested or reasonable standpoint. I think the hon. gentleman will hardly allege that the Imperial Government or men like the Duke of Newcastle looked at this question from an unfair or one-sided point of view.

HON. MR. MCMILLAN—We do not want to perpetuate the fights and struggles that they had on the other side of the Atlantic.

HON. MR. POWER—Some one said, when it was proposed that capital punishment should be done away with: "Let the murderers begin." Now, the hon. gentleman does not wish to import the struggles of the old country—but the struggles have been imported, and we have them here now. That is the difficulty—it is too late to keep them out.

HON. MR. MCMILLAN—Where are the struggles?

HON. MR. POWER—The hon. gentleman has heard references made by the hon. gentleman from Toronto to several instances where they have happened. The objectionable feature about the principle of the Bill is that the real cause of the existence of this body is hostility to one denomination in the community, and it is a most objectionable thing that the State should recognize a body which is based on that principle. That has been denied, I know, by the hon. gentleman who introduced the Bill. I quite agree with what has been said by several hon. gentlemen, that there are in that body a great many mose amiable and fairly enlightened men, and they know that the clergymen of my denomination do not wear horns under their hats, or anything of that sort, but still the principles of the order itself are such as I have mentioned. That will probably be denied by the hon. gentleman from Rideau division when he comes to reply. That hon. gentleman was kind enough to allow me to look at the manual of the order, and there did not appear in black and white on its pages anything that looked very bad, except that the order was based apparently on the principles which actuated William of Orange. William of Orange lived at a time when the doctrines of toleration, which are almost universal now, were almost unknown, and the probabilities are that if William of Orange were alive today his views of toleration would be altogether different from what they actually were. The consequence is that the Orange association, which tends to perpetuate in the latter end of the 19th century principles which were current at the latter end of the 17th century, is an anachronism. Now, what did William's principles lead him to? In one instance, where he made a treaty, not with his rebellious subjects, but with men who were fighting in the cause of a man whom they believed to be their lawful monarch—his own father-in-law—his principles led him to violate that treaty afterwards. The same principles led him, when loyal subjects of the Stuarts in Scotland were driven to the wall, and after the war had ceased, to cause a number of them to be put to death at Glencoe in the most cruel manner possible. We certainly do not need to have principles of that sort promulgated at the present day. As the hon. gentleman who moved the second reading of the Bill did not make any speech, one has to anticipate what he will probably say. I claim that, as I have stated, hostility to Roman Catholicism is really the essential, fundamental principle of the Orange order. When this matter was up for discussion in the House of Commons some six years ago the hon. gentleman from West Durham produced a number of authorities, which hon. gentlemen can see by referring to his speech, coming from the official organ of the Orange association, the *Sentinel*, and from other authoritative sources, showing that the fundamental principle of the body is hostility to Roman Catholicism. As has been very properly stated

there is no necessity for such an organization as this to-day. I do not think that in Canada, at the end of the 19th century, there is any necessity for an oath-bound, secret society of this kind to maintain the rights and liberties of Protestants. They are perfectly safe. Protestants have a very large majority in the country, and they are able to take care of themselves. Even at the end of the 18th century, when the organization was first established, it might be supposed that there was some excuse for their existence, because at that time the air was full of revolution. The French Revolution had just taken place, and there was a great deal of more or less disloyal feeling current in the United Kingdom; and the Catholics, who composed the vast majority of the Irish people, were looking for some of the rights of citizens. Naturally, the people who had the exclusive rights in their hands did not wish to share them with those who had them not, and the object of the establishment of the Orange association was to prevent the majority, who had been kept under before, from acquiring rights which they ought to have. That is human nature. The people who have exclusive privileges necessarily and naturally try to prevent other people from sharing them with them; but that is not the case in Canada. In Canada we all have equal rights.

HON. MR. CLEMOW—That is what we want.

HON. MR. POWER—The Catholics in this country are in a small minority in every Province except Quebec, and in that Province the Protestant minority are treated with the utmost liberality. No one who has a reputation that he has any regard for is prepared to father the statement that the Protestant minority in the Province of Quebec are not treated with the utmost liberality. Almost the only question as to which differences of religion have any effect in Canada is the question of education, and as regards that most important and vital question, the Protestants of Quebec have been treated with wonderful liberality. I think that Protestants ought to be in most ways as good men as their Catholic neighbors, and in as much as there are five Protestants in Ontario to one Catholic, and the proportion is nearly the same in all of the Provinces, except Quebec, I think our Protestant brethren will be able to take care of themselves without the assistance of any such association as this. In addition to the objection which I have already mentioned to the recognition of secret societies by Parliament, the parliamentary recognition is equivalent to an admission that the society is necessary in Canada. No hon. gentleman will contend that that is the case.

HON. MR. McMILLAN—Does the hon. gentleman mean to say that the incorporation of this society will embolden them, or give them more privileges than they have at present to parade the streets?

HON. MR. POWER—I have said that on principle you cannot defend the incorporation of this society. There are three grounds: I take the constitutional ground; I take the ground that it is improper to recognize a secret oath-bound society, and then I say that the incorporation of this society is a recognition by Parliament of the fact that the society is necessary or useful here to-day. I say that that it is a libel on the country.

HON. MR. McMILLAN—But this Bill does not empower them to be more aggressive.

HON. MR. POWER—I shall deal with that presently. So far, I agree with the hon. gentlemen from Ottawa and Toronto, that theoretically the argument against this Bill is unanswerable. But there is a practical side to the question, too; and that I propose, with the permission of the House, to deal with very briefly. Are there any circumstances in connection with this Bill which might modify our objections? In the words of the hon. gentleman who has just interrupted me, will incorporation really add anything to the power or influence of the Orange body in Canada? I do not undertake to answer that question in a very decided way myself, but we have some evidence to go upon. As far as I am concerned myself, I should be disposed to look to the case of my own Province for an answer. With the permission of the House, I shall give a very brief history of Orange incorporation in Nova Scotia. In the year 1873, the same year in which the Bill passed the Ontario Legislature, a Bill was introduced in the House of Assembly in Nova Scotia

for the incorporation of the Provincial Grand Orange Lodge of Nova Scotia. That Bill did not receive a second reading. It was introduced again the following year and failed to secure a second reading. The Bill was introduced a third time in the Session of 1875; and my own impression is that in 1875 there were twice as many Orangemen in Nova Scotia as there had been in 1873. In 1875 the Bill, which is very much the same sort of measure as the one now before us, was passed without any discussion. A good deal of feeling was being stirred up throughout the Province, and the Government of the day and the members of the Legislature concluded that, although it might be a thing which could not be defended as a matter of principle, yet, as a matter of policy, it was better to pass the Bill. As I have said, the Bill passed without any discussion; and since that time we have heard very much less of Orangeism in Nova Scotia than we heard before.

HON. MR. MACDONALD(B.C.)—Where was the evil effect of it?

HON. MR. POWER—The body has fallen back to about the condition in which it was two or three years before the Bill was passed. Another fact in connection with the incorporation is that in Nova Scotia, as far as I am aware, the Orange association is not in any sense a political organization.

HON. MR. READ—It is not here, either.

HON. MR. POWER—Under these circumstances, I am placed in a somewhat different position from other members who have spoken. The Orange body is incorporated in Nova Scotia, and the additional incorporation by this Parliament will not materially affect their position in Nova Scotia; so that I might vote against this Bill without giving them ground for complaint; and, on the other hand, I might vote for the Bill, because we have the organization incorporated there, and this Bill will not give them any greater influence or weight, or any higher standing than they have already. I think one of the probable effects of incorporating the body will be that we shall hear less about them in other Provinces, as we now find is the case in Nova Scotia.

HON. MR. MACDONALD (B.C.)—They will have no grievance.

HON. MR. POWER—There is no substantial reason why there should be an Orange association. I believe the body is held together now largely by a feeling—a mistaken feeling, no doubt—that they have a right to incorporation, which right is refused them. They are unable to look at their own body with the same eyes as men who are perfectly indifferent in the matter do, and they feel—wrongly, I think—that they have a grievance, and, as long as they feel that they have a grievance, they will keep on agitating, and we shall not get rid of this difficulty. I believe, as I say, that one of the effects of their incorporation will be that we shall hear less of them after a very little while. There are two classes of Orangemen. There is one class who practice upon the prejudices of their weaker brethern for their own advantage, political or otherwise, or for the advantage of their party; and there is the large mass of members, who are honestly under the impression that they have a serious grievance. The feeling that they have had that grievance, as I have said, keeps the body together and makes them active. If the Bill is passed, the sense of grievance will probably be removed. I should feel very strongly in favor of not passing it if I thought that by throwing it out we would be done with it; but, if we reject this Bill after it has been passed by the House of Commons, we shall have it coming back year after year; so I take it that there is a good deal to be said in favor of our freeing Parliament of this agitation by passing the Bill. There is this other circumstance—that there have been no petitions presented in this House against the Bill. I feel that, as a matter of principle, I am obliged to vote against the Bill. Apart altogether from my own religious views or prejudices, I could not vote for a Bill to recognize an association which is based upon what I consider very objectionable principles; and, if the question is pressed to a vote, I shall feel bound to vote against the Bill. At the same time, I am not myself anxious that the opposition should be pressed to a division.

HON. MR. READ—I would not have risen on this occasion to say a word if the hon. gentleman from Toronto had not charged the Orange body with almost all the crimes in the calendar. In the course of his epeech he referred to the burn-

ing of the Parliament buildings, which he attributed to the Orangemen. I do not know what authority he has for that. Many of us recollect the reasons why the Parliament buildings were burned. It was because the Rebellion Losses Bill had just been sanctioned. We know that meetings were held all over Upper Canada against the passage of the Rebellion Losses Bill, and we claim that the Governor General, in his despatches to England, did not tell what was exactly true, because he stated that there were a few petitions against the Rebellion Losses Bill, when the fact was that there were petitions from all parts of the country. I do not think, therefore, that the hon. gentleman should charge the Orangemen with having destroyed the Parliament buildings. Then the hon. gentleman complained that the Prince of Wales was not allowed to land at Kingston. It was his own fault if he did not land. The Duke of Newcastle had notified the Mayor of Kingston some time before that if there was any Orange demonstration the Prince would not land. I went fifty miles to Kingston and stopped there three days, and I should not have gone had it not been for that letter to the Mayor. I went to Kingston alone, and I stayed there during the time I have mentioned. The Prince had been at different places around this country, and we all know why the Duke of Newcastle acted as he did on that occasion. His Government then was depending on the Irish vote, and anything he could do at the time to secure that vote was what he was aiming at. It appears that where there was an Orange flag or an Orange arch it was like a red rag to a bull. He would not land at any place where the arch was not perfectly green. He was to have visited the place where I live, but when the steamer arrived, and it was found that there were arches up, he did not land. Then he went to Cobourg, but did not land there. The hon. gentleman tells us that at Toronto Lord Elgin was rotten-egged. I thought it was at Montreal. The event happened so long ago that I must have forgotten it. I thought that these things were dead, and I can see no object in reviving them. If we, on our side, wished to bring up instances of intolerance against our opponents we could have a great deal to say. I know why I became an Orangeman, though I have not been in an Orange lodge for over forty years. I think the aim of the people of this country should be to avoid causes of division. The Orange society say they have a grievance; they think that something they are entitled to is withheld from them, and they will continue to demand it until they get this Act of incorporation, and they will succeed in getting it some time or other. I think the best evidence in support of this Bill has been furnished by the hon. member for Halifax. He has told us what the experience has been in Nova Scotia and New Brunswick, where the Orange society has been incorporated. I do not know on what grounds he accuses Orangemen of intolerance towards Roman Catholics. I know Orangemen in Ontario who lost their election because they voted for Roman Catholic institutions. The late Mr. Benjamin and the late Mr. Anderson were defeated because they voted for the incorporation of the Sisters of Lorette at Quebec. I will not detain the House any longer, because our tempers are likely to be aroused by discussions of this kind, and the less that is said the better.

HON. MR. CLEMOW—I have not much to complain of with respect to this discussion. The remarks of my worthy confrère showing that this Bill had been before the House on many occasions, and it would not receive the sanction of Parliament, is the best evidence to my mind of the great revolution of sentiment that has taken place in the minds of the people of this country. It shows that they have come at last to recognize the fact that the Orangemen are entitled to what they seek from Parliament. A great deal has been said respecting the difficulties concerning the visit of the Prince of Wales to this country. I think the whole difficulty on that occasion arose from the fact that the Duke of Newcastle acted under Imperial instructions. It was impossible for him at that time to act otherwise than he did, because the Party Processions Act was then in operation in England, and he was compelled by force of circumstances to prevent the Prince from in any way recognizing the Orange institution in this country. But since that time the Party Processions Act has been repealed in England, and they are as free there to-day as we are in this country. Now, after all, what do we demand? Simply what is accorded on all occasions

to every institution and class of men that may apply for such legislation. Is there anything wrong in that? Can there be any difficulty in granting these powers to an association which is known to be loyal to the Crown? Loyalty is one of their fundamental principles. I do not think, judging from the array of names that appear as corporators to that Bill, that you can hesitate for one moment to place in their hands the powers they ask for.

HON. MR. POWER—They were not loyal to the Prince of Wales.

HON. MR. CLEMOW—They have always been loyal to the Crown of Great Britain. At that time there was a disability. The loyal Orangemen of this country consider that they have a grievance. They have asked for this Bill over and over again. Why it has been denied them I cannot tell. It is true that at one time an Act was passed in Ontario and submitted here, and the Orangemen were told that the Federal authorities had nothing to do with it, and that they had to get the consent of the local authorities in Ontario. That was refused, and that was another grievance. Now we want to try to remove this grievance. I believe that the passage of this Bill will have the same effect throughout the Dominion that the incorporation of the order has had in Nova Scotia and New Brunswick. This legislation is necessary, because this body is supreme, and the provincial bodies are subject to them, and therefore they require to have one grand controlling power over the other minor bodies. I am very glad to hear from my hon. friend from Ottawa that he at last recognizes the fact that there has been a change in the sentiments of the people of this country, and that they are willing to render substantial justice to people who have been denied it for many years. I would remind him that he has himself received more assistance from the Orangemen of this section than any other politician that I know of. We supported him when he advocated the adoption of the separate school system, and I ran great risk myself in supporting him as the representative of this city because he voted as a majority of the people here thought he should not have voted on that question. Reference has been made to the difference in the treatment accorded the minority in Quebec as compared with the minority of Ontario. I think we are just as lenient to the minority in this Province as the majority are to the minority in Quebec. There is no difference in that respect at all. We want to try to efface those differences altogether, and to become a united people. I believe that this Bill will do more to accomplish that result than any measure that has been before Parliament up to the present time. I hope the House will pass this measure and give this body of men the recognition that I think they are entitled to, and which they should have received long ago at the hands of the Dominion Parliament. I am very glad that the discussion is at an end, and that there has been nothing of an irritating character said in the course of the debate. I should like to have the Bill passed without a vote, but if a vote must be taken I hope the measure will be sustained by a large majority.

The Senate divided on the motion, which was agreed to by the following vote:—

CONTENTS:

Hon. Messrs.

Abbott,	Macdonald (B.C.),
Archibald,	Macfarlane,
Botsford,	MacInnes (Burlington),
Boulton,	Merner,
Clemow,	Montgomery,
Drummond,	Odell,
Glasier,	Perley,
Grant,	Prowse,
Kaulbach,	Read (Quinté),
Lougheed,	Reesor,
McCallum,	Reid (Cariboo),
McClelan,	Sanford,
McInnes (B.C.),	Stevens,
McKay,	Sutherland,
McKindsey,	Vidal,
McMillan,	Wark.—32.

NON-CONTENTS:

Hon. Messrs.

Armand,	Haythorne,
Baillargeon,	Howlan,
Bellerose,	Lewin,
Bolduc,	Murphy,
Casgrain,	O'Donohoe,
Chaffers,	Pâquet,
DeBlois,	Pelletier,
Dever,	Power,
Girard,	Robitaille,
Guévremont,	Scott.—20.

HON. MR. LACOSTE announced that he had paired with Mr. Dickey.

HON. MR. SULLIVAN announced that he had paired with Mr. Flint.

The Bill was then read the second time.

SAMUEL MAY RELIEF BILL.

SECOND READING POSTPONED.

The Order of the Day being called,—Second reading of Bill (16) "An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May."

HON. MR. ABBOTT said: With regard to this Bill, there has already been a little discussion in the House, and I should like my hon. friend who has charge of it to postpone the further consideration of it until Monday next. There is another Bill of a similar character coming up which I expect to have here on Friday, and I should like to consider them together.

HON. MR. MACINNES (Burlington) moved that the Order of the Day be discharged, and that the Bill be read the second time on Monday next.

The motion was agreed to.

SECOND READINGS

Bill (79) "An Act respecting the Grand Trunk Railway Company of Canada." (Mr. Vidal.)

Bill (86) "An Act respecting the Central Ontario Railway." (Mr. Read.)

Bill (74) "An Act respecting the Confederation Life Association." (Mr. Murphy.)

BILLS INTRODUCED.

Bill (9) "An Act further to amend the Adulteration Act, Cap. 107 of the Revised Statutes." (Mr. Abbott.)

Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes." (Mr. Abbott.)

The Senate adjourned at 5:45 p.m.

THE SENATE.

Ottawa, Thursday, March 20th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (V) "An Act to amend the Acts respecting the North-West Territories." (Mr. Abbott.)

Bill (W) "An Act respecting Grants of Public Lands." (Mr. Abbott.)

Bill (X) "An Act to amend Cap. 127 of the Revised Statutes, entitled: 'An Act respecting Interest.'" (Mr. Abbott.)

ADULTERATION ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called—Second reading Bill (9) "An Act further to amend the Adulteration Act, Cap. 107 of the Revised Statutes."

HON. MR. ABBOTT moved that the Order of the Day be discharged, as the Bill had not been distributed.

HON. MR. SCOTT — Are there any changes from the Bill as introduced in the other House?

HON. MR. ABBOTT—I have not seen the Bill, and am not, therefore, able to inform my hon. friend.

HON. MR. SCOTT—I might mention that the principle which the hon. gentleman laid down yesterday, and which I thought was an extremely good one, should be followed in this case. It would be infinitely better if the draughtsman should consolidate the amendments. Last Session we made changes, and this Session we are asked to make further changes, and it is extremely difficult to ascertain without such a consolidation what the changes are.

HON. MR. ABBOTT—As soon as we have the reprint of the Bill I shall endeavor to meet my hon. friend's view.

HON. MR. PAQUET—Last year the hon. gentleman promised that he would endeavor to have the law amended so as to provide a legal standard for milk. Under the existing law it is impossible to convict a vendor of milk for adulteration, as we have no legal standard.

HON. MR. ABBOTT—I promised to do it as far as I could do so.

HON. MR. PAQUET—After I had the conversation with the hon. gentleman, I promised the Dairy Association that I would urge upon the Government to have a legal standard fixed, and I would like to know if there is any hope that we may get something definite this Session?

HON. MR. ABBOTT—I think I explained to my hon. friend the difficulty which existed last year—that it was almost impossible to determine a standard percentage, because the percentage of fatty matter in the milk of some animals was at times so extremely low that it would not be convenient to make that the standard, and at the same time it would be an extreme hardship to provide that the milk of Holstein cows, for instance, should be excluded because it was not up to the standard. I have not discussed the matter with my colleague this Session, but I shall do so before we proceed with the Bill.

The motion was agreed to, and the Order of the Day was discharged.

BILLS OF EXCHANGE, CHEQUES AND PROMISSORY NOTES BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes." He said: I suppose the House will not expect me to enter upon the details of this Bill on its second reading. It is almost a reproduction of the existing law—in fact, it is a sort of code for promissory notes and bills of exchange, the first that has been made under the power given to the Federal Parliament by the British North America Act. Every clause will be considered in detail in committee, and in order that members may have time to look carefully into the Bill and make up their minds about it, I propose to submit it to Committee of the Whole on Wednesday next.

HON. MR. SCOTT—This Bill has just been handed to me, and I am not in a position to say much about it; but my hon. friend will remember the promise he made yesterday, that he would get somebody in the Department of Justice to strike off a few slips showing what the changes are in this Bill?

HON. MR. ABBOTT—I have given such orders. It is not very easy to show what all the changes are, but I propose to show in what respect the law is to be changed.

HON. MR. KAULBACH—The changes are, briefly, to make the law uniform throughout the Dominion.

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

The Senate adjourned at 4 p. m.

THE SENATE.

Ottawa, Friday, March 21st, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

NORTH CANADIAN ATLANTIC RAILWAY AND STEAMSHIP CO.'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraph and Harbors, reported Bill (88) "An Act to incorporate the North Canadian Atlantic Railway and Steamship Company," with an amendment. He said: The substance of this amendment is that it affords time in which the competing line can have legislative power to sell their property, if they so agree, to this company. It provides also, in case of difference of opinion, a mode of adjusting the price, and in the meantime this company shall have only running powers over the competing line. This amendment was reported to us today by a sub-committee to whom the whole matter was referred. The committee, of which I had the pleasure of being chairman, had before them the difficult task of reconciling the passage of this important measure with a due regard to the legitimate interests of the competing line; and I am happy to say that this object was attained in a manner that commended itself to the support and concurrence of all the parties interested in it. This happy result has been attained, I think it is fair to the committee to say, in consequence of the patient hearing which was given to all parties on the question, this being the last of three distinct sittings which the committee devoted to the consideration of this measure. I may be also permitted to hope that this amendment may receive approval in another place, and that the result will be that this measure, in which a large portion of the people of Quebec have evinced such an interest, may be brought to a successful issue. I have therefore great pleasure in

moving that the House do now adopt this report. My reason for doing so is this: It is a report concurred in by all the parties interested, unanimously concurred in by the committee, and I hope it will receive, not only the unanimous concurrence of this House, but of the other branch of Parliament. At this period of the Session, and with the prospect of a holiday before us, it is important that the Bill should be sent down to the other House, so that it may be concurred in there, and be in a position to be passed upon with other Bills, at the first meeting of the representatives of the Crown, which I am led to believe may be possible before the end of next week.

HON. MR. ABBOTT—I do not see any objection to the Bill taking this present stage. I have seen the amendment, and it is an important one, but, at the same time, one which solves all the difficulties between the proposed company and the existing company, which is a railway running east from Quebec about 21 miles; but there is another point in the Bill to which my attention has been called, and while I hope that the Bill may be allowed to take this stage and get so much nearer completion, I propose to ask my hon. friend to let the third reading stand over until Wednesday, in order that this point may be considered.

HON. MR. MILLER—It was understood before the committee that the amendment would be concurred in to-day, and the third reading taken, and this course was recommended by the committee. The chairman was authorized to say that this was the desire, and that no notice would be required for any amendments that might be proposed at the third reading. The hon. member from Montreal has, I think, an amendment to move to a very important clause of the Bill, and it was understood that he might make that amendment without the usual notice required for amendments to private Bills. Unless there is some urgent reason for postponing the third reading until Wednesday, I do not see why, under the circumstances, it might not be read the third time immediately.

HON. MR. POWER—As a private member of the House, I feel very strongly that the step which the hon. leader of the House has recommended should be taken. We are not very near the end of the Session; there is not the slightest risk of the Bill if it has to wait a couple of days, and I think his suggestion is a proper one.

HON. MR. ABBOTT—I would say, in answer to my hon. friend from Richmond, that the point to which I refer is one of immense public importance, and I am not satisfied that it has received proper consideration.

HON. MR. MILLER—What clause is that?

HON. MR. ABBOTT—The bridge clause. I do not know that that was taken up in committee.

HON. MR. MILLER—It was, and I voted against it, and if the motion is made I shall vote against it here.

HON. MR. ABBOTT—It has not received such consideration from my colleagues as they desire to give it, and I was requested by the Minister of Railways to ask to have the Bill stand over until they have time to consider it.

HON. MR. DICKEY—It was brought to our notice, because an injustice to others might be involved if that fact were not brought out. An hon. member did propose to make a motion in the committee to-day with regard to that very clause, to strike it out, and it was felt that it was a matter, the committee having already divided upon it and having recommended the clause, that had better be placed before the House, and in order to meet the convenience of the hon. member who wanted to make a motion in amendment, it was agreed to recommend to the House that he should be at liberty to do so without giving regular notice. The matter was brought before us and very fully considered. However, the motion now before the House is for the adoption of the amendment.

The motion was agreed to.

HON. MR. LACOSTE—The third reading of the Bill being opposed to-day by some members, it is impossible for me to proceed. Under the circumstances, I move that the third reading take place on Wednesday next.

HON. MR. ABBOTT—I presume that if any amendment should be moved on Wednesday next my hon. friend will consider that he has notice of it.

HON. MR. MILLER—No; I should think any amendments to be moved on Wednesday should be placed on the Order Paper.

HON. MR. ABBOTT—My hon. friend is not reasonable on that point. I have asked for the postponement of the third reading in order that the Government may, to-morrow, have an opportunity to decide on this bridge clause. I cannot foresee what they may decide upon, whether to refuse permission to construct a bridge, or whether they will approve of it; and I am not, therefore, in a position to give notice of any amendment which it may be desirable to move on Wednesday next.

HON. MR. MILLER—I think the remarks of the leader of the House shows great laxity on the part of the Government on this important matter. The measure passed through the House of Commons, and no objection was raised to it there, though the Premier made a general objection to further bridging the St. Lawrence. I think it would be very wrong and a very unfortunate thing to permit any company to obstruct the navigation of the St. Lawrence to the extent that it would be obstructed below Quebec as this Bill contemplates. The promoter of the Bill says that unless he gets the clause providing for the bridge the whole scheme will fall to the ground. It would be a very easy matter at the third reading to move the six months' hoist if the Government object to the clause.

HON. MR. ABBOTT—That is what I propose to do on Wednesday next if the Government should come to the conclusion that they would rather not have another bridge across the St. Lawrence down there. All that I ask is, that I may be excused from placing on the Notice Paper any amendment that the Government may think it advisable to have moved at the third reading.

HON. MR. POWER—After the declaration made by the leader in a full House the promoter of the Bill cannot complain that he has no notice, and I do not think that any member of the House would raise a technical objection of that sort under the circumstances. The rules are based on common sense, and it would be contrary to common sense to expect the leader of the Government in this House to give notice of an amendment when he does not know what the Government may decide to do. He has, however, notified the promoter of the Bill that he may find it necessary to move an amendment to this particular clause.

HON. MR. MILLER—If the rules are based on common sense they shoud be carried out.

HON. MR. HOWLAN—The notice might be given on Monday.

HON. MR. LACOSTE—I shall have no objection if a motion is made on Wednesday without further notice, because I understand the only question affected is the power to build the bridge. Meanwhile, I will communicate with the members of my company and see what position we will take. I think an amendment to this clause would injure that grand scheme. It is necessary that our railway should have connections with the railway systems on both sides of the St. Lawrence. It is true there is a company now in existence which intends to build the bridge, but this charter was granted in 1887, and will lapse in the month of June next, and no power during the Session will be granted to the company—at least there is no Bill before the House. Under the circumstances, I think it is in the interest of this company to have the bridge clause, so as to be enabled to float bonds at once. The whole matter will be left in the hands of the Government. The Governor in Council will have the power to decide everything. If the other bridge is not built they might grant our company the right to go on and build a bridge.

HON. MR. DICKEY—Sufficient notice has been given that the amendment if made will be to the bridge clause.

HON. MR. MURPHY—I have no idea of frustrating this great enterprise by depriving the company of the right to build the bridge, but my instructions from Montreal are to this effect, that it is marvellous that such a Bill should have been before the House and the shipping interests should not have been informed of it. It is still more marvellous that it should have

passed the Railway Committee without any provision being made as to the height of the bridge above the navigable channel of the river. That is the objection that I made to-day, and I asked to have that clause struck out; but with the assurance of the leader of the House that the matter will be considered by the Government to-morrow, I am satisfied that they will see that the bridge is built at the proper height, and that all other conditions necessary in the public interest will be attended to.

HON. MR. LACOSTE—All those matters are, by this clause, to be decided by the Governor in Council.

The motion was agreed to.

THIRD READINGS.

The following Bills, reported without amendment from the Committee on Banking and Commerce, were read the third time, and passed:—

Bill (74) "An Act respecting the Confederation Life Association." (Mr. Vidal.)

Bill (72) "An Act respecting the Summerside Bank." (Mr. Howlan.)

Bill (32) "An Act to incorporate the Grand Orange Lodge of British America." (Mr. Clemow.)

ADULTERATION ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill No. (9) "An Act further to amend the Adulteration Act, Chapter 107 of the Revised Statutes." He said: This Bill, though long, is largely a reprint of former clauses which required alteration. The first two clauses that occupy the first three pages require a change in the middle of them which is not easy to be found if printed by themselves with directions where they should be inserted.

HON. MR. POWER—It is not easy to find them in the Bill.

HON. MR. ABBOTT—It will be easy to find an amendment in the Bill when it is substituted for another, because then it will be in the Bill, in the body of it. The alteration is in sub-clause No. 7, and it is required to make one of the definitions of adulteration harmonious with the new provision of the Act, that in certain cases the Governor in Council may fix a standard of each article of food, and declare what its component parts shall be, and this clause is put in for the purpose of making that one of the definitions of adulteration. The only other alteration in that clause is to provide that the word "analyst" shall include any member of the Board appointed under the authority of sub-section 2 of section 3 of this Act, and any assistant analyst to the Chief Analyst at Ottawa. The first three pages of the Bill are all as they are in the Statutes, with these two exceptions. The alteration in section 12 is simply a verbal one. The word "such certificate" is used in the Act, and it seems to be doubtful as it stands what certificate is referred to; so it is altered to represent such certificate as is referred to in the preceding section. Section 5 of the Act provides for the publication of the proceedings of the analyst, and the distribution of these publications for public information. Section 8 is the clause to which I have just referred, which enables the Governor in Council to establish a standard of the component parts of any article of food, drug or compound, where it is not otherwise provided for under the terms of the Act. Section 9 is substituted for a previous clause, making much more equitable provisions with respect to trials of charges for adulteration, and providing, where the facts are such as to show the innocence of the accused, or his ignorance of the adulteration that has been practised, that he is in some cases absolutely discharged. In section 11 the only alteration is the inserting of the word "procuring," to provide for making any expenses incurred in procuring and analyzing a sample of food, drug or fertilizer a portion of the costs of the proceedings against the party convicted.

HON. MR. POWER—There is one point in connection with this Adulteration Act. It is a very useful law if it were carried out. We passed this Act one year, amended it the next year, and the third year further amended it, and I think the provisions of it are very carefully drawn, and it is a very good Act; but what is the use of legislating that such and such shall be deemed adulterations, for which the party shall be punished, and then when these adultera-

tions take place the party is never punished?

HON. MR. ABBOTT—My hon. friend is mistaken.

HON. MR. POWER—Whatever the practice may be in this part of the country, in the lower Provinces I have not heard of a single case where any seller of an adulterated article has been prosecuted for contravention of the Act.

HON. MR. ABBOTT—I can speak for my own Province, and I can assure my hon. friend that there have been repeated prosecutions for adulteration there. I do not know what the statistics of prosecutions in other Provinces are, but I know that in the city of Montreal there are many prosecutions under the Act. What the Government are doing is to so amend the law as to make the conviction of offenders against it sure. There seems to be an unaccountable disposition on the part of magistrates to let off those parties. Probably it is because adulterations are so common, or it is because tradesmen are supposed not to know much about them; but the attention of the Department is more and more directed to this particular subject, with a view of endeavoring to make this system effective. I omitted to mention, with regard to a standard for milk, that I was unable to see the Minister to-day, owing to his being occupied in departmental business, but before the Bill comes up for the third reading I shall be able to give my hon. friend an answer.

HON. MR. REESOR—I beg to call the attention of the hon. member to the fact that a great many parties have been let off, because the goods sold were adulterated before they reached them—so far as the evidence went, they did not know that the goods were adulterated. It would be a great hardship for a man to be fined in a case of that kind for adulterating goods. The Act has accomplished a great deal of good, by putting dealers more on their guard against introducing adulterated articles than before, and the public are more on the watch to see that the goods they buy are what they are represented to be.

HON. MR. ABBOTT—My hon. friend will perceive that the plea which he says has been put forth, and which defendants are entitled to, and on which they are acquitted, must be a *bonâ fide* plea; but the fact is, that most of the dealers—and this is one of the difficulties it is almost impossible to get over—most of the dealers in articles usually adulterated must know whether they are adulterated or not, not because they have adulterated them, or examined them, but they know from the price at which they buy and sell. When they sell a box of coffee below a certain price they know whether it is all coffee or not; but it cannot be said that they have any special knowledge of it. They take it in good faith as being coffee, and sell it as coffee, just as they get it, and it is very hard before a judicial tribunal to say: "You must know, being a skilled grocer, that there was chicory in that coffee." That is one of the great difficulties, and I do not know how it is going to be got over, about articles sold by tradesmen.

HON. MR. REESOR—A great many grocers sell coffee openly as a mixture of coffee and chicory.

HON. MR. ABBOTT—They are bound to describe it in that way now.

HON. MR. REESOR—So far, I don't know that they are necessarily to blame. Parties want cheap articles, and buy them adulterated; other dealers sell the article in a pure state and grind it before the purchaser.

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

BILLS INTRODUCED.

Bill (89) "An Act to amend the Act incorporating the River Detroit Winter Railway Bridge Company, and to change the name of the Company to the River Detroit Railway Bridge Company." (Mr. McKindsey.)

Bill (91) "An Act to grant certain powers to the Chambly Manufacturing Company." (Mr. Peltier.)

The Senate adjourned at 4:15 p.m.

THE SENATE.

Ottawa, Monday, March 24th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

SAMUEL MAY RELIEF BILL.

SECOND READING POSTPONED.

The Order of the Day being called,—Second reading Bill (16) "An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May."

HON. MR. MACINNES (Burlington) said: When this Bill came up for a second reading on a previous occasion the leader of the House requested me to postpone it until a Bill of a similar character came up from the other House. That Bill has not reached us, and, as the leader of the House is not here, and he has requested me to ask a further postponement, I move that the Order of the Day be discharged, and that the Bill be read a second time on Wednesday next.

The motion was agreed to.

THE PRINTING OF PARLIAMENT.

MOTION.

HON. MR. READ moved the adoption of the Fourth Report of the Joint Committee of both Houses on the Printing of Parliament.

The motion was agreed to.

ELBOW RIVER WATER CO.'S BILL.

FIRST AND SECOND READINGS.

Bill (76) "An Act to incorporate the Elbow River Water Power Company," was introduced and read the first time.

HON. MR. LOUGHEED moved the suspension of the 41st Rule of the House, and that the Bill be read the second time presently. He said: The reason I make this application is that a delegation has arrived from Calgary, consisting of the Mayor and some of the councillors, and they are desirous of presenting their views before the Committee on Railways, Telegraphs and Harbors on this question. As we contemplate an adjournment for some time, and as it would be impossible for those gentlemen to wait over the adjournment, I trust that hon. members will allow the Rules to be suspended and the Bill to be read the second time presently, so that these gentlemen may have an opportunity to appear before the Committee.

The motion was agreed to.

SASKATCHEWAN RAILWAY AND MINING CO.'S BILL.

FIRST READING.

Bill (34) "An Act to amend the Act to incorporate the Saskatchewan Railway and Mining Company," was introduced and read the first time.

HON. MR. READ (Quinté) moved the suspension of the 41st Rule, and that the Bill be read the second time presently. He said: I think the House will treat this Bill with as much consideration as they did the last one, and I think I have a good precedent to ask that the Rule be suspended.

HON. MR. POWER—I think this is the first time that a request of this sort has been made without any reason being given. I fancy there can hardly be any good reason, for if there were, no one is better qualified to put the reason before the House than the hon. gentleman who has made this motion.

HON. MR. READ—As for my qualification in this instance, I may say I have none; I do not know anything about the Bill. I was simply asked to move the suspension of the Rule; but as there is an objection, I beg to withdraw the motion, and to move that the Bill be read the second time on Wednesday next.

The motion was agreed to.

PONTIAC PACIFIC JUNCTION RAILWAY CO.'S BILL.

FIRST READING.

Bill (87) "An Act respecting the Pontiac Pacific Junction Railway Company," was introduced and read the first time.

HON. MR. VIDAL—I am very much in the position of my hon. friend opposite with regard to this Bill. The promoter of the Bill simply asked me to move the

suspension of the Rule and that the Bill be read the second time presently; but as he has given me no explanation for adopting such a course, and as there is an objection to it, I move that the Bill be read the second time on Wednesday next.

HON. MR. MILLER—I do not know even that that motion should be allowed. This Bill contemplates the building of a bridge across the river Ottawa. I think the policy which is now in favor is to obstruct these navigable streams as little as possible, and perhaps, second to the St. Lawrence alone, is the Ottawa River in this respect. I am not in favor of any one of these projects, and I give my hon. friend notice that I must have ample evidence as to the necessity for this bridge when the Bill is before the committee, before I give it my support.

HON. MR. CLEMOW—There are some very objectionable features in this Bill. Hon. gentlemen will recollect that a Bill has already passed this House providing for one bridge across the Ottawa River here. The promoters have incorporated in this Bill similar rights and privileges, and have also incorporated other rights and privileges of which they have given no notice.

HON. MR. MCKINDSEY—I rise to a question of order. The hon. gentleman has no right to discuss the principle of the Bill on this motion for a second reading at a future day.

THE SPEAKER—The point of order is not well taken.

HON. MR. CLEMOW—This Bill asks for the right to build a bridge across the Ottawa, almost at the same point for which another charter has already been granted, and for other rights which the original charter did not give them. They also apply, without notice, for power to build a foot passenger bridge, and to collect tolls. Hon. gentlemen will recollect that when the Morrisburg Railway was before the House, the provision for a bridge across the Ottawa was struck out, on the understanding that there should be only one bridge allowed across the Ottawa River at this point; therefore, it would be very wrong to allow this company to have powers that were struck out of the other company's Bill on the same principle. I think that when the Bill comes before the committee I shall be able to show that they have incorporated in it several clauses of which notice has not been given, and I shall oppose it on several particulars.

HON. MR. VIDAL—This discussion only shows the inconvenience of debating the principle of the Bill at the wrong stage. I am constrained to say, with the Bill in my hand, that the hon. gentleman from Ottawa has entirely misinterpreted its contents. This Bill merely asks for an extension of time, in order to allow the company to complete their works. There is nothing in the Bill about foot passengers and tolls.

The motion was agreed to.

AN ADJOURNMENT.

HON. MR. SMITH moved that the House do now adjourn.

HON. MR. PERLEY—Before the House adjourns, I wish to state that owing to an irregularity in the notice of motion submitted by me in our routine proceedings to-day, I give notice for Thursday, the 27th instant, that when the House adjourns on that day it do stand adjourned until the 15th of April next, at 8.30 p.m.

HON. MR. MILLER—I would like to know why we were brought here at all to-day, unless it was to hear our prayers. There is no business to be done, and I do not see why the House was not adjourned over Friday until Wednesday next, to allow those gentlemen, who could have done so, to go to their homes. I get up to look at the House, and I am reminded very much of the words of a celebrated orator when he was brought before a Scotch audience. After the cheers had subsided he said: "What have we all come here to-day for? Curiosity? No," said he, "curiosity never brought so many Scotchmen together? It is something else." I say there is neither curiosity nor business, nor anything else that has brought us together. There is no business before the House and no reason why we should not have adjourned over until Wednesday.

HON. MR. DEVER—We could not have adjourned without a notice.

HON. MR. MILLER—The adjournment could have been moved, and that motion could have been carried by the unanimous

consent of the House. I contend that the Senate occupy a much more ludicrous position before the eyes of the country when we are brought here to do no business, but merely to say our prayers, than if we had adjourned. Any one who has followed the business of Parliament must know that the Senate for years has given conscientious attention to the legislation of the Dominion in its committees. There is where the work is done, and I can turn to the hon. gentleman on my right (Mr. Dickey) and say that perhaps no member of the Senate deserves more from Parliament than he does for the consideration, the attention, the ability and the patience which he has given to committee work. And it is telling, too, because you find the other day the House of Commons seriously considering the proposal to send all private Bill legislation to this House, according to the custom prevailing in England in regard to legislation in the Imperial Parliament. I repeat that the wise, careful and attentive consideration which this House gives and has been giving for years to the legislation of the country is telling—and perhaps against hostile public opinion—in favor of this House. I do not think, under these circumstances, that we should be called upon in this way to show that we have nothing to do, when the House of Commons has adjourned over Tuesday. I thought the other day, when some important Bill came up before the House, for instance the Promissory Note Bill, which would take some time in committee, and the North-West Lands Bill, the North-West Government Bill and some other Bills, that we might have them to-day. I do not see why these Bills were not remitted to this House to-day. Is it to suit the convenience of the gentleman that leads the House, and who had to go to Montreal, that the public business of the country is to be shoved aside in this way? I may feel it my duty before Parliament rises to submit a resolution to the Senate on this question.

HON. MR. SMITH—I am quite sure that had the leader of this House known the wishes of the hon. Senator from Richmond he would very likely have complied with them; but the hon. gentleman had some business to look after, to-day, in Montreal. He is to be here on Wednesday morning, and there is considerable business to be done on Wednesday and Thursday before the Easter adjournment. I think the hon. leader, on all occasions, endeavors to comply with the wishes of the majority of this House, even against his own convenience. To-morrow being a holiday, it is my intention to move that this House do stand adjourned until Wednesday next, and Wednesday and Thursday will be sufficient to bring up all arrears of business to that date.

HON. MR. MILLER—I have no doubt at all that everything that has been said by the hon. gentleman is quite correct, but I ask this House to consider first what this body represents. This body represents the highest court in the Dominion. It represents the first branch of the Parliament of a great country. It should not forget its dignity and its rights; and what are we called upon to adjourn over for? Why, to suit the convenience of an individual member of the House.

HON. MR. SMITH– No; no.

HON. MR. MILLER—I say it is, and unless this thing is moderated I will submit a motion and record the opinion of the House as to the way generally in which this House is treated with regard to Ministerial measures.

HON. MR. SMITH—I should say that the leader of the House intended to move an adjournment until the 7th of April, and that would have have taken in Easter week and a few days more.

HON. MR. MILLER—It is quite time that this House should speak out, if we do not want to go down to nothing.

THE SPEAKER—I understand that the motion now made by the Hon. Mr. Smith is to this effect: That the House do now adjourn until Wednesday afternoon at three o'clock.

HON. MR. MILLER—There is no notice of that motion before the House.

HON. MR. POWER—To-morrow will be a statutory holiday.

HON. MR. MILLER—There is no notice of this motion before the House, and I take objection to it on a point of order.

THE SPEAKER—I hope that this, matter will be arranged without any further feeling. I suppose that Parliament can sit every day if it pleases, Sunday included. There are however, certain days which are considered as public holidays or *fêtes d'obligation*. I believe that to-morrow is one of these. The hon. gentleman in making his first motion had forgotten this and then got up and moved the motion now before the House, that when the House adjourns it stands adjourned until Wednesday next. If the hon. gentleman insists on his objection that the motion cannot be made without notice, of course it is fatal.

HON. MR. POWER—It is to be hoped that the hon. gentleman from Richmond will not insist on his objection, for we shall be in a worse position to-morrow than we are in to-day. There is nothing at all on the Orders of the Day for to-morrow, and nothing can come before the House. The House of Commons is not now sitting, and we have the only Bills that are in a position to come before us from the House of Commons; consequently, if the hon. gentleman from Richmond insists upon his objection we shall have nothing at all to do to-morrow but come here and say our prayers; and I may say, as one member of the House that I do not get a great deal of spiritual advantage from that exercise.

HON. MR. VIDAL—The objection is a fatal one if the hon. gentleman insists upon it, but I do not think that he will stand alone in this matter, and say that his will is to prevail against the will of the whole House.

HON. MR. MILLER—If other hon. gentlemen get as little advantage from the prayers as the hon. gentleman from Halifax does, and there is to be no other business before us, I shall not press my objection.

The motion was agreed to.

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Wednesday, March 26th, 1889.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

ELBOW RIVER WATER POWER CO.'S BILL.

REJECTED.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (76) "An Act to incorporate the Elbow River Water Power Company," recommending that the Bill be not passed, as it would be contrary to the public interests. He said: As the rule requires that reasons should be given for postponing a Bill, I may briefly explain why we make this recommendation. This corporation asks for power to appropriate the Elbow River for the purpose of speculating. This river, as it happens, passes through the southern margin of the city of Calgary. Looking to the future of that city, which occupies perhaps the most commanding position in the North-West, and looking to the vital importance of its water supply, the committee considered, with very little difference of opinion, that it would be most unwise to allow that water privilege to be taken away, and to grant the power of diverting it entirely from its present course to another termination in the Bow River, and they, therefore, recommend that it is against the interests of the city of Calgary, represented before the committee by the Mayor and Corporation, and, therefore, against the public interest. I apprehend that the House will have no difficulty in agreeing with the committee that such a Bill should not receive the sanction of this House. I therefore move that the report be adopted.

The motion was agreed to.

A PROPOSED ADJOURNMENT.

MOTION.

HON. MR. PERLEY moved: That when the House adjourns on Thursday, the 27th instant, it do stand adjourned until Tuesday, the 15th day of April, at half-past eight o'clock in the evening. He said: It is understood that there is very little legislation before the Senate now, and the practice has been that the Senate adjourns over Easter week. It is thought desirable to make the adjournment, this time, a little longer, to enable hon. gentlemen who live at a distance to visit their homes. Members from the North-West and from the Maritime Provinces cannot take advantage of those adjournments; if the pro-

posed adjournment is granted they can. I understand that the Budget is to be brought down to-morrow, and that the debate thereon is likely to occupy several days, when no business will be brought up to this House. Short adjournments are of no value to members who do not live within a reasonable distance; but if the adjournment proposed in my motion is considered too long, it might be reduced to the 9th of April.

HON. MR. MCINNES (B. C.)—Better make it a week longer, so that British Columbia members can go home.

HON. MR. KAULBACH—I am taken by surprise in this matter. I understood from my hon. friends that they had withdrawn this motion for to-day, and had made it for to-morrow, and I see another motion to the same effect on the Order Paper for to-morrow. I think my hon. friend had better withdraw his motion. It is not in the interest of the public or in the interest of legislation that these adjournments should take place. When we come to look at the number of Bills of great importance, such as the Banking Bill, Promissory Notes and Bills of Exchange Bill, and other important Bills that are to come before this House, I do not think it is advisable that we should have such a long adjournment. If we do adjourn, it should be simply over the Easter holidays, the same as the House of Commons. They will probably meet every day except one next week. In consequence of those repeated applications for adjournments, the business of this House is not in a satisfactory position. They are generally brought up for discussion by gentlemen who do not take an active interest in the business of the House. There is no necessity for adjourning beyond Tuesday. The banks are open on other days, business is going on, and men are at work in the streets and in their shops, yet the Senate is asked, for some particular purpose, to adjourn for several days. Yesterday the Senate did not meet, though the pages and messengers were on hand; the Senators alone were absent.

HON. MR. ROBITAILLE — Yesterday was a statutory holidy.

HON. MR. KAULBACH—If my hon. friend wished to say his prayers on that day there was no reason why he should not do so; but even that hon. gentleman I found about the House, as well as others, though it was a day supposed to be set apart for prayers. I do not know that there is anything obligatory that we should do no work on that day.

HON. MR. ROBITAILLE—It is a statutory holiday.

HON. MR. KAULBACH—There are several important Bills before the committee of which I am chairman—the Divorce Committee—that we cannot go on with, and if this long adjournment takes place the effect may be that justice will not be done. I think we had better alter the rules of our House and the constitution of the Senate, and provide that all those days that hon. gentlemen take as holidays should not be taken at the expense of the public. We are called here to do important business, and we should stay and attend to it. If the adjourned days were called absent days, and were taken from the indemnity of members, there would not be so many adjournments asked for. I say in all earnestness that it is not in our interests to adjourn; because, after an adjournment, whether long or short, we come here rushed with business, and instead of discussing the public measures before us in a deliberate way, they will be put through in a manner not creditable to this House. I contend that we had better adjourn the Senate altogether and amend the constitution, if we are to bring upon ourselves, by our own conduct, the adverse criticism of the public. I do hope the leader of the House, having the responsibility on his shoulders of seeing that the business of the Senate is prosecuted effectively, will, in the interest of legislation, and in the public interest, oppose prolonged holidays as being detrimental to the best interests of the country. We had an adjournment in the early part of the Session for ten days. Then we had another adjournment of ten days.

AN HON. GENTLEMAN—No; only a week.

HON. MR. KAULBACH—Well, say a week; yet, here we are asked again for another adjournment of two weeks. I was going to say I wonder that my hon. friend has the audacity to rise in the House and propose such a motion as this. The Bills

before us should occupy the undivided attention of the House for a week if properly discussed, and I do hope that the leader of the Government will state to the House that it is not in the public interest that there should be any longer adjournment than is necessitated by the Easter holidays. If the adjournment does take place there are Bills before the Divorce Committee that cannot be proceeded with; members of the Committee will not stay here and proceed with the consideration of these important questions during an adjournment.

HON. MR. ALMON—When did the Divorce Committee meet last?

HON. MR. KAULBACH—Some time last week. We had a meeting since then, and, in consequence of the evidence not being printed, the committee felt that they were not prepared to discuss the merits of the Bills, or decide upon the important questions which they involved. I say the effect of this adjournment will be to postpone the consideration of those questions before the committee, and will no doubt have the effect of depriving those persons who are looking to this Senate for the passage of these Bills of the relief which they seek from Parliament.

HON. MR. McINNES (B. C.)—I move in amendment, that when the House adjourns on Thursday next it stand adjourned until Wednesday, the 9th of April. I am quite willing that an adjournment should take place, but I think that ten or twelve days will be ample to enable my hon. friend who made this motion to go to his home, remain there a couple of days, and return.

HON. MR. ALMON—I am very much confused by the different amendments. I would like to know what the leader of the House has to say to these propositions, and also how senators will be treated on the Intercolonial Railway. When Sir Charles Tupper had charge of the Intercolonial Railway, the members of this House had free passage over that line. Under the system that prevails now we travel at half fare. If we put on white chokers and called ourselves "reverend"—and I do not see why we should not—we would get the same rate. If I was to travel as a drummer selling boots and shoes I would get the same rate, although I have less baggage. I hear that the management of the road has been very much improved of late by adopting suggestions that I have made in this House from time to time. For instance, I told them time and again that they could shorten the journey between Montreal and Halifax by having breakfast at one place instead of two. They used to have breakfast at Truro and Amherst; now they have it at only one of these places. I also told them that they could save time by taking water at stations where they had to stop for other purposes. I should have thought the Minister of Railways and all his deputies would have waited on me and thanked me for all the suggestions I gave them, and which they have adopted, by which they have shortened the journey between Montreal and Halifax some six hours. We have now only one night in the Pullman, whereas we had two before my suggestions were adopted. I should like to ask what the leader of the House thinks about making the Intercolonial Railway free for senators travelling to and from the capital in connection with the public business. I do not agree with the hon. member from Lunenburg on the question of consulting the people on public questions. For instance, I should like to meet the people of Halifax and ascertain whether they prefer the Harvey Short Line or the one from Rivière du Loup to Moncton. Halifax wants both; but if they were told that they could get only one they might state which they preferred. I do not know that the hon. member from Lunenburg would have any occasion to consult his constituents. There is no canal or railway in which they are interested. There is a little packet which goes to Halifax and furnishes communication with civilisation. We who live in civilised communities would like to go and find out what our constituents think on public questions.

HON. MR. POWER—I am in favor of the amendment moved by the hon. member from New Westminster. It has been the custom to adjourn for about twelve days at Easter in past Sessions. That is all that the hon. member proposes. The House of Commons, as I understand, will adjourn for a week.

HON. MR. KAULBACH—No; no.

HON. MR. POWER—I have fairly good authority for saying so. My informant is one of the Ministry. Perhaps the hon. member from Lunenburg has something later and more authoritative. I think that the speech made by the hon. gentleman is one that we are all familiar with. We have heard it already twice this Session, and at least twice every Session for some years. The only new thing that appeared in his speech is the fact that the committee of which he is chairman would be interfered with to some extent by the proposed adjournment. With the exception of that reference, the hon. gentleman might as well have said: "If hon. members will refer to my speech, made a month ago, at the last adjournment, they will see my sentiments." It would have saved time and covered the ground just as effectually. Take my own case. I am like a good many other members who come from a distance. I have been here nearly two and a-half months attending to the public business whenever there was any to be attended to. Easter is at hand, and we propose to adjourn as usual. Now, the question is whether the adjournment at Easter will be made so that it will suit members who live at a distance from the capital or not. Hon. gentlemen who live comparatively near Ottawa should show a little consideration for the convenience of those who live a little distance away.

HON. MR. HAYTHORNE—No.

HON. MR. POWER—The hon. gentleman from Prince Edward Island says "No."

HON. MR. HAYTHORNE—I say, no.

HON. MR. POWER—This is a free country, and people are at liberty to express their opinions. It so happens that the hon. gentleman from Prince Edward Island would not go home no matter how long the recess was. As for the hon. member from Lunenburg, his home at present really is in Montreal, and not in Lunenburg; therefore, he is not anxious that we should have a long adjournment. If I thought that the public business would suffer owing to this adjournment I should not support the motion, but I do not think it will suffer. There is not the slightest possibility that Parliament will be prorogued before the 1st of May, so that at the very lowest and most moderate calculation we shall have at least three weeks to transact whatever business may come before us. Any gentleman who has noticed the vast amount of work done during the last week of the Session by this House will understand that we will have no difficulty in dealing with any business that may come before us during the three weeks that must elapse after the close of this adjournment. The object in selecting Thursday is to enable gentlemen from Manitoba to reach their homes by Sunday. With respect to the vast amount of work which the hon. gentleman has given us to understand we have before us, I contend he is quite mistaken. There is only one Order for to-morrow—that is, Committee of the Whole House on the Adulteration Bill. The business of the committees is very well up. There are almost no Bills before the committees and the public business will not suffer at all owing to this adjournment. I hope that hon. gentlemen who live comparatively near the capital and who have had several opportunities during the Session to visit their homes will not now deal in a niggardly or churlish spirit with those who live some distance away.

HON. MR. HAYTHORNE—I think I might pay the hon. member from Halifax the same compliment that he paid the hon. gentleman from Lunenburg, because I think we have heard similar sentiments from his lips on other occasions.

HON. MR. POWER—Never; this is the first time that I have spoken in the same direction.

HON. MR. HAYTHORNE—With the exception that on other occasions he did not differ so far from me. I think we should not have long adjournments. As to the fairness of accommodating gentlemen who live a distance from the capital, such considerations should not enter into the votes given by the members of this House. We are sent here to attend to the public business, and for no other purpose. And when we begin to weigh the cost and inconvenience which different members will suffer personally, I say we are departing from our proper duty. I was anxious to hear from the leader of the Government what his view was with regard to this adjournment, because I presume that whatever the Government approve of will necessarily be carried. I have a recollection that when

the House adjourned the first time after the opening of the Session we had from the leader of the House a distinct pledge that no more adjournments would be asked for this side of Easter, and that the House would then be in a position to rise before Easter. I know that circumstances have occurred with regard to the hon. gentleman himself which I, in common with others, regret, which caused his absence, but having returned to us it is the more incumbent on him to economise all the time that we can and waste none. I was here two day before the opening of the Session and have been here ever since, though I have business that I could attend to if I could only be at home. I am not going to allow anything of this kind to weigh with me at all. Let us have no adjournment whatever, except for the Easter holidays, and then let it be of the smallest possible dimensions.

HON. MR. PROWSE—Before taking a seat in this Chamber, and before receiving my appointment to the Senate, I was led to believe that the hon. gentlemen composing this body were gentlemen who were imbued with a high sense of the important position they occupy; that they are not responsible like gentlemen who occupy seats in another place—not directly responsible to the people—but were chosen as men who would be responsible to a higher authority, the best interests of their country and their own consciences. Since coming here I have been impressed with the idea that the deliberations of this hon. House are not meeting the expectations of the people, and I am to some extent disappointed. My experience since I came to the Senate has been that whenever any important question was proposed which would be worthy of consideration in this Chamber for a week, it was passed over in a few minutes. I refer to two of those in particular—one, the question introduced by the hon. gentleman from Calgary in reference to immigration, which is one of the most important questions that could be considered by this Chamber or by any other body, in the present condition of the Dominion. It was passed over with one or two speeches. Then there was the very important question, perhaps not second to the first one in importance, introduced by the hon. gentleman from Manitoba (Mr. Boulton) in reference to Imperial Federation, a question on which I thought the matured minds of the older senators in this House would have spent some time in expressing their views fully; yet it was passed over, apparently with no other object than to adjourn the House and have as few speeches as possible. I find also that when an hon. member rises in his place to address the House he is very often interrupted by conversations and interjections which render it very unpleasant for him to proceed with the remarks he has to make. When this Dominion was first confederated we never heard a word about doing away with the Senate. The constitution was framed by delegates appointed for that purpose and it was confirmed by every Province in the Dominion, and that constitution provided that we should have a House of Commons and a Senate, and the sentiment was never expressed that we could do without an Upper Chamber. But what do we find to-day? We find an agitation throughout the country in favor of doing away with the Senate altogether, and in some quarters in favor of an elective Senate. What are the causes? I maintain it is due to the fact that members of this House have not shown themselves equal to the responsibilities imposed upon them.

Some HON. GENTLEMEN—No! No! No!

HON. MR. PROWSE—That is, in my humble opinion the cause, and if this Chamber gets into disrepute with the people of the Provinces the senators themselves are alone responsible for it. I shall feel it my duty, when the usefulness of this Chamber is gone, to be prepared to vote for its abolition. But I contend that its usefulness is not gone. I contend that it is one of the best guarantees we have against hasty legislation in another place, and if hon. gentlemen will only apply themselves to the duties devolving upon them as senators they will make of this Chamber an institution in which the people throughout the Dominion will have full confidence. I understand that my hon. friend from Alberton (Mr. Howlan) has a question to bring before this House which demands most careful consideration, I might almost say it is whether Prince Edward Island really belongs to this Confederation or not—whether the terms of Union which were promised us some seven-

teen years ago have ever been fulfilled. This question, I take it, demands from the Senate very careful, long and continued deliberation and discussion; and other questions might be introduced which would be useful to the country and to the credit of the Senate, if sufficient time and attention were given to them.

HON. MR. KAULBACH—I hope the few remarks that I made on this subject will have some influence on the leader of the House. I am very much surprised at the remarks of the senior member for Halifax to-day. He said that my remarks on this question were a repetition of my remarks on former occasions—that I brought nothing new to bear on the subject, except what I said about the Divorce Committee. I am sorry that the hon. gentleman did not understand my reasons against a long adjournment, and I can only attribute to him personal motives in supporting this motion. My hon. friend on former occasions stood by me when I opposed adjournments during the Session; but now he tells us that he wants to go home himself—in other words, that he is prepared to sacrifice the business of the country for his own personal gratification. My hon. friend says that we can do the business that remains to be done this Session in three weeks. He is one of those who, with myself, have for years past denounced the Government for holding back the important business of the country to the last week of the Session, yet he now thinks we can adjourn for two weeks, go to our homes, and then come back here and finish up the business of the Session in three weeks. The important Bill respecting bills of exchange and promissory notes is to come before us in committee, and every clause of it should be discussed a couple of days at least. Then the Bill respecting the North-west Territories is a matter of grave and important consideration, and might well occupy the time of the House for two or three days. The hon. gentleman from Halifax seems to be in the secrets of the Government, and tells us how long the other branch of the Legislature is going to sit. He seems to have privileges which are not accorded to other members of the Senate. He tells us that he had his information from the Ministry. I doubt if his information is correct—that even a Minister could tell him; and I doubt if any such decision has been arrived at. On Friday of this week the Divorce Committee would probably have a report to present to the House for consideration. By this motion we lose not only Friday, but all the next week and part of the week following, and then meet at 8:30 in the evening. Is not that a day lost also? It is a fraud and a delusion to say that on the night we meet here after the holidays we shall do any business. To meet at that hour is simply to do nothing, and adjourn. Members rush in here late in the evening, and they do not feel disposed to enter upon the business of the House with any pleasure. The mind is diverted by absence from legislation and from being shaken up by the cars. So it is not only Friday of this week, but all next week and virtually two days of the week following will be lost. The junior member for Halifax has referred to the importance of his going down to his own Province to consult his constituents on the Short Line question. When he gets down there he has a lovely place on an arm of the sea, and when he finds himself sitting cozily in his pleasant room he will think very little of the affairs of the Province, or the Short Line either. I am surprised that the hon. gentleman has shown such ignorance of the Province of Nova Scotia. He thinks Lunenburg is out of civilization, and we have no way of getting down there except by tramping through. I will inform my hon. friend that we have had steamers running daily to that town ever since Confederation. We have a railway coming there within two miles of my own premises, and we have every accommodation; but notwithstanding the facilities which I might avail myself of to go home, I consider it is not in the public interest that I should go and leave the business of the country at a standstill. We had nothing to do on Monday, simply because there was nothing given us to do. The business of the House was so arranged for Monday and Tuesday that we had nothing on our Order Paper. When I look upon the amount of business before us and the attention it requires I cannot see that this adjournment will have any beneficial effect, but quite the reverse. I do hope the leader of the House will take this matter into consideration, and not place us in a humiliating position; those of us who are anxious to take an interest in the business of the

country will have to remain idle here during an adjournment. These motions do not emanate from men who take an active interest in the business of Parliament, and I would say it is time to ask in the public interest whether we should have these adjournments at the public expense. The Senate ought to do away with free passes on the railway. If senators were without free passes we would not be asked for so many adjournments.

HON. MR. ALMON—I only suggested we should have passes over Government roads.

HON. MR. KAULBACH—If members could not pass so freely without expense, and did not have these holidays at the public expense, they would not be so eager for adjournments.

HON. MR. ABBOTT—The Deputy of His Excellency the Governor General is waiting to give the Royal Assent to Bills that have been passed this Session. I therefore move that the House do adjourn during pleasure.

The motion was agreed to, and the House adjourned during pleasure.

The House was resumed.

The Hon. Sir William Johnston Ritchie, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated on the Throne.

The hon. the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: "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 follow :—

An Act to amend the Act to incorporate the Alberta Railway and Coal Company.
An Act to incorporate the Sault Ste. Marie and Hudson's Bay Railway Company.
An Act to amend the Act to incorporate the Belleville and Lake Nipissing Railway Company.
An Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company.
An Act respecting the Port Arthur, Duluth and Western Railway Company.
An Act respecting the Goderich and Canadian Pacific Junction Railway Company, and to change the name of the Company to "The Goderich and Wingham Railway Company."
An Act to incorporate the Tilsonburg, Lake Erie and Pacific Railway Company.
An Act to incorporate the Canada Cable Company.
An Act to amend the Canadian Pacific Railway Act, 1889, and for other purposes.
An Act respecting the People's Bank of New Brunswick.
An Act respecting the St. Stephen's Bank.
An Act to incorporate "Belding Paul and Company (Limited)."
An Act to amend "The Public Stores Act."
An Act to incorporate the Mount Forest, Markdale and Meaford Railway Company.
An Act relating to the Canada Southern Bridge Company.
An Act respecting the North-Western Coal and Navigation Company (Limited).
An Act respecting the Hereford Railway Company.
An Act to change the name of the Vaudreuil and Prescott Railway Company to "The Montreal and Ottawa Railway Company."
An Act to amend the Act fifty-second Victoria, chapter four, intituled "An Act to authorize the granting of Subsidies in Land to certain Railway Companies."
An Act to amend the Act respecting Trade Marks and Industrial Designs.
An Act further to amend the Dominion Elections Act, chapter eight of the Revised Statutes of Canada.
An Act to incorporate the Ottawa, Morrisburg and New York Railway Company.
An Act respecting the Manitoba and North-Western Railway Company of Canada.
An Act respecting the Northern and Western Railway Company of New Brunswick and to change the name of the Company to "The Canada Eastern Railway Company."
An Act to incorporate the Brandon and South-Western Railway Company.
An Act to confirm an agreement between the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company and the Canadian Pacific Railway Company.
An Act respecting the New Brunswick Railway Company.
An Act to incorporate the Moncton and Prince Edward Island Railway and Ferry Company.
An Act to amend the Act to incorporate the Lake Manitoba Railway and Canal Company.
An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company.
An Act to incorporate the Shore Line Railway Bridge Company.
An Act respecting the Great North-West Central Railway Company.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the words following: "In Her Majesty's name, His Honor the Deputy of His Excellency the Governor General doth assent to these Bills."

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

HON. MR. ABBOTT—I quite understand the various opinions that prevail about adjourning, but it has been the practice in this House to adjourn for a few days at Easter, and from the fact that so many members of this House reside at a great

distance from Ottawa it is obvious that an adjournment of two or three days would be of no value. Consequently the practice has grown up of making an extended adjournment at Easter, and making it long enough to enable those who reside at some distance to visit their homes. My own opinion of this adjournment would be to make it from Friday evening to Tuesday evening, but I see plainly that there is a strong sentiment in the House in favor of extending the holiday at both ends—that is, to allow the adjournment to commence on Thursday evening and extend it to ten days. The reason that is given for this is that hon. members who leave here on Thursday evening can reach their homes in the lower Provinces and in the North-West and Manitoba for Sunday. In like manner they can leave their homes on Monday and reach here by Wednesday night. I recognize a great deal of force in that, although my own opinion would be to adjourn from Friday night till Tuesday night. However, if the House is disposed to take the extra days, I would be disposed to yield to it; but I should like to know what the views of hon. members are.

THE SPEAKER—The question is on the amendment to the motion of Mr. Perley.

HON. MR. DICKEY—I rise merely to express my regret that my hon. friend, with his usual good nature as leader of the House, has so far yielded his own opinion as to give us an opportunity of consenting to an adjournment which I consider is too long. I think that the position which the hon. leader of the House took in the first instance was a proper one, and I regret very much that he has yielded to the pressure to consent that the House may adjourn for a longer term. My own experience is that the ordinary adjournment is quite sufficient, and any further adjournment is very much to be deprecated.

HON. MR. DEVER—I do not know that any hon. gentleman, if he wants to go home, should be ashamed to say so, nor that he should be ashamed to say so if he does not want to go home.

The amendment was agreed to on a division.

NORTH CANADIAN ATLANTIC RAILWAY AND STEAMSHIP CO.'S BILL.

REFERRED BACK TO COMMITTEE.

HON. MR. BOLDUC (in the absence of Mr. LACOSTE) moved the third reading of the Bill (88) "An Act to incorporate the North Canadian Atlantic Railway and Sseamship Company."

HON. MR. ABBOTT—This Bill was allowed to stand over when it was last before this House, with a view to the consideration of the question whether the company should be permitted to erect a bridge across the River St. Lawrence from the Island of Orleans to the main shore. That question has been laid before my colleagues, and we think it would be impolitic to allow an obstacle of that kind to be placed to the navigation of the St. Lawrence at a point where the whole of the shipping, which visits our country passes through, and I am sorry to say that I cannot on behalf of the Government, give my consent to the Bill passing with that clause in it. In fact, to facilitate matters, it would be best for me to move, as I now do, that the Bill be not now read a third time, but that it be amended by striking out section 4 of the Bill with its sub-sections, and the 5th and 6th sections.

HON. MR. SCOTT—Are those all bridge clauses?

HON. MR. ABBOTT—They are all with reference to the bridge.

HON. MR. BOLDUC—I understand that the promoters of this bridge have agreed that the clauses referred to be stricken out, and I have no objection to the motion.

HON. MR. KAULBACH—I do not know if I understood the leader of the House to say that it was the view of the Government that there should be no bridge built across the St. Lawrence in that locality at all. There is a projected bridge in which the Maritime Provinces are interested—that is, the bridge which is to cross at Quebec. I do not know if this expression of opinion from the leader is general, or with regard to this particular bridge. The exercise of the powers mentioned in the Bill must be subject to the approval of the Governor in Council, and I think it

would be just as well if the bridge clause had been allowed to remain in the Bill. Then it would be easy for the Government, when the question came up, to see that the bridge was built in such a way that it would not be an impediment to navigation, but to say that there shall be no bridge there at all is, I think, going too far.

HON. MR. DRUMMOND—I trust that the House will consent to the elimination of these clauses. I opposed in committee the construction of the bridge at that point, on the ground that it would be an obstruction to navigation. I think any one will see that the elimination of those clauses will do no harm to the company at all, as the construction of the bridge is a highly improbable work, and at best would be only a makeshift and a serious obstruction to the navigation of the river.

THE SPEAKER—I suggest that an entry be made in the Minutes that this amendment is made at the third reading with the consent of the House.

HON. MR. POWER—I wish to call the attention of the leader of the House to the fact that the latter half of clause 17, which provides for the issuing of bonds, should be stricken out also, because it deals with the issuing of bonds for the bridge.

HON. MR. HOWLAN—I also call attention to the fact that we are establishing a dangerous precedent in undertaking to amend the Bill at the third reading without notice. It should be well understood by the House and clearly stated in the Minutes that this is not to be regarded as a precedent.

HON. MR. ABBOTT—The fact is, in clause 17 there are several references to the bridge, and I have to thank my hon. friend from Halifax for calling my attention to it. I am under the impression that it would be better to refer this Bill back to the Committee on Railways, or to a Committee of the Whole House, for the purpose of re-modelling this 17th clause.

HON. MR. POWER—Perhaps the better way would be to refer the whole Bill back to the Railway Committee for the purpose of making these amendments.

HON. MR. BOLDUC—This Bill has been so often postponed that I should prefer to have the amendments made in Committee of the Whole House now.

HON. MR. HOWLAN—I do not wish to delay the passage of the Bill, but I think it would be more regular to refer it to the Railway Committee, with instructions to amend it.

THE SPEAKER—I am of opinion that that is the proper course.

HON. MR. ABBOTT moved that the Bill be referred back to the Committee on Railways, Telegraphs and Harbors, to eliminate the clauses authorizing the construction of the bridge and all provisions incidental thereto.

HON. MR. DICKEY—Then there will be nothing on our Minutes with reference to striking out the clauses here in the House.

THE SPEAKER—No.

The motion was agreed to.

NORTH-WEST TERRITORIES BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (V) "An Act to amend the Act respecting the North-West Territories." He said: This Bill makes several provisions, the details of which are important in themselves, but not of general importance, and also contains some enactments which are of great general importance to the North-West Territories. The details to which I refer relate to the periods of meeting, the mode of conducting elections and several provisions with regard to judicial proceedings which will facilitate the administration of justice in the North-West Territories. The more important general provisions have reference to the classes of subjects about which the Assembly may legislate. There are sixteen subjects which are relegated to the Local Legislatures by the Constitution, and by the tenth clause of the Bill eleven of these subjects are referred to the Assembly. Those which are omitted are the powers of amending the Constitution, the borrowing of money on the credit of the Territories, the management of public lands, the management of eleemosynary institutions and the conduct of local undertak-

ings. Those are five subjects which for the moment it is not deemed expedient to entrust the Local Assembly, and I suppose the reasons for witholding them are tolerably obvious. There are also two other very important clauses, one in reference to the language in which the proceedings of the Assembly are to be recorded, the other with reference to regulating the sale of intoxicating liquors. The powers with regard to those subjects are relegated to the Assembly after the next election. They are allowed to make such provisions as they may deem expedient for the mode in which their proceedings shall be recorded, and they are prohibited from making any change in the existing law with regard to the sale of liquors until after the next election. So, in point of fact, those questions are relegated to the people.

HON. MR. SCOTT—Perhaps the hon. gentleman will say whether the question of education is relegated to them. I did not hear him mention it. Has it been overlooked ?

HON. MR. ABBOTT—No ; I think the educational powers are retained by the Dominion for the present.

HON. MR. SCOTT—I thought the hon. gentleman said that the particular powers that are retained are mentioned also.

HON. MR. ABBOTT—The subject of education is not relegated to them for the present.

HON. MR. KAULBACH—This refers to the publishing and recording of proceedings of the Assembly. That is relegated to the Assembly itself, but I do not see anything here as regards the statutes and proceedings in the courts. Is that intended by this Bill to be relegated to the North-West Territories or is it to remain under the jurisdiction of the Parliament of Canada ?

HON. MR. ABBOTT—I understand that the regulation of all matters connected with the publication of the Acts of the Legislature and with its proceedings will be in the hands of the Legislature.

HON. MR. POWER—I am glad to see that we are giving the people of the North-West Territories another instalment of self-government. What we are now giving them we might have given them earlier ; but they must be thankful to get it, though a little late. Amongst the things over which jurisdiction is given to the Legislative Assembly I do not find the franchise. There is a provision in the 9th clause of this Bill as to the mode of providing voters' lists, but that does not seem to me to be quite broad enough to include the right to decide who shall be allowed to vote. It is apparently authorising the Legislative Assembly to arrange as to the manner in which the lists of persons entitled to vote under Dominion legislation shall be made up. I think the Legislative Assembly ought to have the right to decide who should have the privilege of voting at their own elections. I simply call the attention of the leader of the House to it, so that he will be able to satisfy himself on the point between now and the time the House goes into Committee of the Whole on this Bill. I think the right to regulate the franchise is one that probably was intended to be given to the Legislative Assembly.

HON. MR. BELLROSE—I regret that I cannot support this Bill. There is a part of it, the 32nd clause, which I consider unjust. Under existing law, the people of the North-West may use either French or English in the meetings of the Assembly ; this right is to be set aside by this Bill, if a majority of the people should decide to do so after the next elections. We know that they have already decided that the use of the French language should be abolished in the North-West. If this clause of the Bill is rejected we know that any legislation which would deprive the French minority of the rights which they possess under the Constitution, given them by the Parliament of Canada, would be *ultra vires*, and the Premier of Canada would be obliged to veto it. By this 32nd section the Local Assembly will be empowered after the next general election in those Territories, to abolish the use of the French language and we all know that if this Bill passes French will cease to be an official language in those Territories. The principle which this clause embodies has been accepted by the Government of the Dominion. I do not intend to use language which would be necessary to characterize the conduct of those members of the Government from

the Province of Quebec who accepted that position; they disregarded the interests of those whom in honor and in conscience they were bound to protect. If the Government are allowed to sanction this invasion of the rights of the minority in the North-West Territories they will be placed in a position to go still further and to sanction the Act recently passed by the Manitoba Legislature abolishing the use of French as an official language in that Province. Sir John Macdonald is bound by his assertions, and by his interpretations of the Constitution for over twenty years, to veto that Act of the Manitoba Legislature; but the decision of the other House on the dual language question would warrant the Prime Minister in allowing the Act, because the Parliament of Canada has already consented to doing away with the use of the French language in the North West. The result of passing this Bill without amendment will be that within a year, both in the Territories and in the Province of Manitoba, the rights guaranteed to the minority will be swept away. It is true that the great majority of the people in that part of Canada do not approve of the use of the French language, but the French population are not new arrivals there. French was the first language spoken in those Territories, and it is not surprising that those who are of French descent cling to it still. In this country England did not adopt the same policy that she pursued in Ireland. When England sought to destroy, not only the nationality but the religion of Ireland, she attacked the language of the people.

HON. MR. POWER—But the religion of the Irish was not destroyed.

HON. MR. BELLEROSE—England tried it, but did not succeed. In this country her policy was different. She was liberal in the extreme to her French Canadian subjects. Of her own free will she gave them the rights that they have enjoyed, and guaranteed them by treaty. These privileges were confirmed by the British North America Act, and when the Territorial Government was organized in the North-West the Dominion Government—and I am happy to say it was a Liberal Government—extended the same privileges to that portion of the Dominion. Are we to be told now, after all these years, that these privileges are to be withdrawn? It is useless to say that we are simply granting to the people of the Territories the right to regulate these matters for themselves: we know what it means—that we are handing over the minority to be stripped of their rights by a hostile majority. We are asked to empower the Legislative Assembly of the North-West Territories to strike a blow which the Government at Ottawa have not dared themselves to inflict. I should have looked on this question in a different light had the Dominion Government come forward and adopted this policy on their own responsibility, but they have preferred to deprive the minority in the North-West Territories of their privileges by indirect means, and it only shows that they are willing to empower others to do a wrong which they would have done themselves if they had not been afraid of the consequences. I would prefer the open hostility of the Government; and if those who speak the French language throughout the Dominion are true to themselves they will resent this as an act of hostility to their race on the part of the Government of the day. I am opposed to this Bill, and when it goes to a Committee of the Whole House I shall move an amendment to that clause.

HON. MR. KAULBACH—This only refers to the proceedings in the Assembly. The publication of the statutes and the proceedings of the courts are not given to the Government of the North-West, and, therefore, the clause is not as far-reaching in its effects as the hon. gentleman supposes.

The motion was agreed to.

GRANTS OF PUBLIC LANDS BILL.

SECOND READING

HON. MR. ABBOTT moved the second reading of Bill (W) "An Act respecting Grants of Public Lands." He said: This is a short Bill for the purpose of placing the titles of real estate in the North-West Territories upon a proper footing. It appears that we have adopted there the new system of titles, under which, on the death of a man, his real property vests in his executors. My hon. friend from Calgary will be able to correct me if I am wrong; it is a subject with which I am not familiar, but I understand it is neces-

sary, in issuing a patent, to make the grant in such a manner that the fee simple will be in the patentee; but the ordinary words of limitation are not inserted in the patents, for fear of conflicting with the Torrens system. This Bill is simply to make provision in granting patents to vest them in the patentee.

The motion was agreed to.

INTEREST ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (X) "An Act to amend Chap. 27 of the Revised Statutes, intituled: 'An Act respecting Interest.'" He said: This is a Bill intended to remedy a difficulty which has arisen about large loans by incorporated companies—such, for instance, as the bonds that are issued by the railway companies for a term of years. It appears to be considered that under the law which enables a mortgagee to pay in his mortgage within the time fixed by the instrument itself, where he thinks proper to do so, a privilege might exist on the part of railway companies and large corporations that have effected loans for long periods of time to pay in those loans before they become due. This, it appears, is likely to affect the values of such securities. It is a subject of enormous importance to Canada that the loans of those who are engaged in improving this country should not be affected, that the value of securities should not be lessened by a legal point of this description. Hon. gentlemen will remember that this clause was introduced at the time when there was a kind of a crusade against the loan companies, in order that the farmers, who had borrowed money at large rates of interest, should be at liberty to pay back the money before the time fixed for the maturing of the mortgage. The law was then enacted, and it is in such general terms that there is a danger that it may be construed to apply to such cases as I have referred to. This Bill is to prevent, in so many words, the application of that law to loans made by incorporated companies for a fixed period of time.

HON. MR. POWER.—When the Bill goes into committee I think it would be desirable to insert some provision that would make it apply to cases of loans which have already been made to incorporated companies, because this Bill, of course, can only speak from to-day. As to the railway companies of which the hon. gentleman has spoken, all railway companies which have heretofore borrowed money would be presumably governed by the law that was in force at the time of the loan and I think, in order to avoid any doubt of that sort, the Bill should be modified in the direction I have suggested.

HON. MR. ABBOTT—That is the intention of the Bill.

HON. MR. POWER—It does not say so, and this Bill only applies to cases where corporations are the borrowers. The language used by the hon. gentleman might create the impression that it was intended also to apply to cases where corporations are the lenders. I am glad to see that it does not, because there is no reason why a loan company should be in a different position from a private lender.

HON. MR. ABBOTT—My hon. friend will see by the terms of the Act that it is expressly limited to the class of loans that I have already referred to—that is, loans which corporations have made for themselves, not loans which they have made to other people.

The motion was agreed to.

SECOND READINGS.

Bill (89) "An Act to amend the Act to incorporate the River Detroit Winter Railway Bridge Company, and to change the name of the Company to the River Detroit Railway Bridge Company." (Mr. Howlan.)

Bill (91) "An Act to grant certain powers to the Chambly Manufacturing Company." (Mr. Pelletier.)

PONTIAC PACIFIC JUNCTION RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. POIRIER moved the second reading of Bill (87) "An Act respecting the Pontiac Pacific Junction Railway Company."

HON. MR. POWER—I think it would be more courteous to the hon. member from Rideau division to let the second reading of the Bill stand until to-morrow, or some other day. One of the principal provisions

of this Bill is the authority given to the company to construct a bridge over the Ottawa River, and the hon. gentleman from Rideau division, who is not in his seat today, has very strong objections to that part of the Bill. I think it would be better to let the Bill stand until he can be present to express his views.

HON. MR. POIRIER—There can be no objection to the second reading of the Bill to-day, as I propose to have it referred to the Committee on Railways, Telegraphs and Harbors, where the hon. member from Rideau division will have an opportunity to press his objection to any of the details of the measure.

The motion was agreed to.

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

PROGRESS IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes."

(In the Committee.)

On the 2nd clause,—

HON. MR. ABBOTT—There is no portion of this clause which I understand to vary in any degree the existing law.

HON. MR. SCOTT—Where are the definitions taken from? They are not in any statute of ours at present.

HON. MR. ABBOTT—They are mainly taken from the English law, I understand, which is now in force. The English Act is like this: a species of codification of the entire laws with regard to bills of exchange, cheques and promissory notes. The definitions are taken from the English Act, which my hon. friend will find in Chalmer's "Treatise on Bills and Notes." There are one or two left out—for instance, the word "bankrupt," as there are no bankrupts here.

On section 3,—

HON. MR. ABBOTT—This definition is taken from the same Treatise, and I believe from the English law also, and every hon. gentleman who has read the law of bills of exchange will recognize the usual definition.

The clause was agreed to.

On section 4,—

HON. MR. ABBOTT—The only portion of this section which can be regarded as new is sub-section 2. That is taken literally from the English law, and it is simply a provision which prevents the possibility of a holder being defeated in his claim on a bill by proof that although it appears to be an inland bill it was really either made or accepted in foreign country. This is the reason give by Mr. Chalmers, and I presume it is the correct reason.

The clause was agreed to.

On clause 6,—

HON. MR. ABBOTT—Sub-section 7 of clause 6 makes some change. At present it is understood that a bill payable to the treasurer or other official of a society is void for nncertainty. There are several judgment uin that sense. They are cited here—I think those that are cited are English judgments; but it is evidently a subject that ought to be cleared up, and it has been cleared up here, as it is cleared up in he English law, by making a bill valid which is addressed to any person holding any particular office for the time being.

The clause was agreed to.

On section 8,—

HON. MR. ABBOTT—Some of the sub-sections of section 8 are supposed to alter the law in some respects. For instance, sub-section 3 provides that a bill is payable to bearer which is expressed to be so payable, or on which the only or last endorsement is an endorsement in blank—the name only of the endorser. The difference, if there be a difference, is in this: that if the last endorsement is a blank endorsement it renews the negotiability of the note or bill, which may have been limited by a previous endorsement. It is not permitted under this measure to stop the negotiability of a bill by omitting to make it payable to order. For instance, a bill is endorsed "Pay to John Smith." That bill remains negotiable. John Smith has the right to endorse it, and he may endorse it in blank, and if he does so it becomes a bill payable to order. I am not prepared to say that that is not the law now, but it is a point on which there is some doubt, and this clears it up.

Sub-section 4 is changed in a slight degree, in conformity with the principle

which I have just mentioned as being applicable to section 3. It embodies, in so many words, the rule that as long as the bill does not contain express words prohibiting transfer the bill remains payable to order. That was the Scotch law; it is now universal in Great Britain. It was adopted into the English law under their new Bill.

The clause was agreed to.

On section 9,—

HON. MR. SCOTT—I cannot understand the wisdom of introducing sub-clause (*c*) into this Bill.

HON. MR. ABBOTT—That is a clause embodying a practice in frequent use of late years, and I doubt if its legality has ever been disputed. The principle is now adopted almost universally in loans on time—that is to say, if the interest is not paid, or if any instalment is not paid when due, the whole debt becomes due.

HON. MR. SCOTT—It is an entirely new principle in Canada. The objection to this Bill is this: as I get into it I find that it will take a great many years to find out what the law is. We are going to have all the decisions of our courts upturned with regard to bills and notes. In my opinion, it would be much better to trust to the precedents established by the decisions of our courts. Under this bill all our valuable reports are going to be set aside as futile, and new precedents are to be established.

HON. MR. ABBOTT—I am not sure that my hon. friend's criticism is quite correct, for he will perceive that the changes we are making have already been sanctioned by the courts, and this clause is drawn in accordance with the decisions of the courts.

HON. MR. SCOTT—That if an instalment on a note is not paid within the time, then the whole amount becomes due? I don't think my hon. friend will find any law for that in Canada.

HON. MR. ABBOTT—This is the law in England.

HON. MR. SCOTT—By special statute there?

HON. MR. ABBOTT—By a statute that has been in force there for some considerable time, and that law rests on the decisions of the courts.

HON. MR. SCOTT—Then a single day of a mistake in a man paying a $1,000 instalment on a note for $10,000, payable in ten instalments, makes it all become due?

HON. MR. ABBOTT—My hon. friend will find that it is not an uncommon thing to make such a provision in other important transactions—mortgages, for instance.

HON. MR. SCOTT—What I say is this: that in an important document, such as a mortgage, the mortgagee may come into court with it, but he cannot enforce it summarily—he cannot get out an execution within ten days, as he can on a note.

HON. MR. ABBOTT—He cannot get it in ten days on a note either, if the maker has a defence.

HON. MR. SCOTT—It is presumed that there is no defence. The only defence would be that he did not make the note. Say he made a note for $10,000, $1,000 payable at a future day and the balance payable in nine instalments. The first payment by oversight of a single day is overdue, and the maker has failed to provide for it. He can be sued immediately for the whole amount under this Bill, and in ten days execution will issue. I think it is a very oppressive and arbitrary clause.

HON. MR. KAULBACH—It does seem certainly hard. It has been the law with regard to mortgages that in default of payment of instalment or interest the party could foreclose the mortgage.

HON. MR. ABBOTT—My hon. friend will see that the alternative lies between letting people do what they like and prescribing what they shall do. If a man can satisfy the exigencies of his own business by making an undertaking in this form under conditions of the law, surely he should be permitted to do it. He knows the conditions, and if he does not choose to make a note which will expose him to such a contingency, there is no obligation on him to make it.

HON. MR. SCOTT—I think my hon. friend had better let that clause stand for the present.

HON. MR. ABBOTT—I have no objection.

On clause 11,—

HON. MR. ABBOTT—This is a provision made to remedy a doubt in the existing law. I fancy there are decisions upon it, but this is to clear up the doubt and lay down a fixed rule, which is to be binding on all occasions in future, and it seems to be an equitable rule, because if there is any inconvenience caused by the exercise of this right, it is thrown on the person who makes the blunder.

The clause was agreed to.

On clause 13,—

HON. MR. POWER—It has been suggested by the hon. gentleman from St. John that this clause might be amended by inserting after the word "Sunday" the words "or other non-judicial day." The paper might be dated on a statutory holiday, for instance.

HON. MR. ABBOTT—I do not know that it has ever been contended that a note dated on a statutory holiday is null.

HON. MR. POWER—As some doubt has been expressed by business men upon this point, would it not be better to remove any doubt by inserting the words I have suggested?

HON. MR. ABBOTT—It is a pity to put anything into the Bill which is not absolutely required. However, I will consider if it is necessary.

On clause 14,—

HON. MR. DICKEY—It seems to be an anomaly that a bill payable on demand is payable really on demand, while a bill payable at sight is allowed three days grace.

HON. MR. ABBOTT—It is not proposed to alter the law in that respect. We do not want to alter the law where we can help doing so.

HON. MR. POWER—If my hon. friend looks at clause 2 of clause 14 I think he will find that there is some ground for the doubt expressed by the hon. gentleman from St. John.

HON. MR. ABBOTT—I will have it looked into.

On clause 18,—

HON. MR. SCOTT—This is a strange provision, that where a man declines to accept a bill payable at sight, and subsequently accepts it, the days of grace are counted from the day the bill was first presented to him. I think it is rather contrary to common sense.

HON. MR. ABBOTT—In the absence of an agreement.

HON. MR. SCOTT—It is presumed that when a man says, "I will accept that bill," the time should run from then.

HON. MR. ABBOTT—In my opinion the view taken of this clause is the right one, because the original contract with the holder is that on the presentation of the bill the drawee shall pay it. If, when he accepts, he desires to vary the date, he is permitted to do so by agreement with the holder.

The clause was agreed to.

On clause 19,—

HON. MR. ABBOTT—This is a clause about which there was a good deal of debate in the other House, and it seems to be a question whether there is anything new in it or not. There is no substantive law to which we can refer for the express letter of it, and it is not always easy to say whether a proposed clause is new or not. I would suggest that it be allowed to stand for the present.

On the 26th clause,—

HON. MR. ABBOTT—This is framed to meet difficulties which have very frequently arisen as to whether a person was liable when he added to his signature some qualifying word, such as "Agent," without saying for whom he was agent. By this clause he is not liable if he states for whom he is agent, but unless he states for whom he is agent he is liable.

HON. MR. SCOTT—Suppose he signed for a company, ought he to be liable?

HON. MR. ABBOTT—Not at all, if he states the company for which he is agent. The mere addition of "agent" to his signature does not relieve him.

HON. MR. SCOTT—But if he signs as agent for a company?

HON. MR. ABBOTT—Then he comes under the first part of the clause. If he designates himself as acting in a representative capacity he is not liable, but if he simply signs as "agent" he is liable.

HON. MR. POWER—If he says he is agent for John Smith he is not liable, but if he says that he is simply an agent he is liable.

HON. MR. ABBOTT—Yes; that puts the destinction very clearly. This clause is in accordance with the English system, and we shall have there, to begin with, a fund of decisions.

HON. MR. SCOTT—There are cases in our own courts in the same direction.

The clause was adopted.

HON. MR. McCLELAN, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Thursday, March 27th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

GRAND TRUNK RAILWAY CO.'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (79) "An Act respecting the Grand Trunk Railway of Canada," with amendments. He said: These amendments are in the direction of the preservation of the private rights of the city of Hamilton with reference to this Bill. The clause which came to us in the Bill for that purpose from another place—clause 4—enacted that nothing in this Act should affect or impair the claims of the city of Hamilton as to any claim which now exists, arising out of the dispute between them. The first amendment extends that to claims which may hereafter exist arising from the same causes. The next amendment is of a more comprehensive character, and extends the benefit of this protection to any obligation arising out of any by-law hereafter made for which the said company are in any way liable. These amendments cover the whole ground; and I may add, for the satisfaction of the House—and it is a satisfaction to the committee which endeavors to protect private rights—that these amendments have received the sanction of both contending parties and the unanimous sanction of the committee. I have no hesitation in asking the House to concur in these amendments.

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

NORTH CANADIAN RAILWAY AND STEAMSHIP CO.'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (88) "An Act to incorporate the North Canadian Atlantic Railway and Steamship Company," with amendments. He said: This Bill, although so recently before the House, may not be familiar to some hon. members, and, therefore, it becomes necessary for me to explain, as the report merely refers to what is struck out of the Bill, that this was the result of a decision arrived at by the Government and announced here after the first report was submitted, against allowing any bridge over the St. Lawrence in the place where this Bill would allow it to be constructed. It was referred for a reconsideration, with instructions accordingly, to strike out all parts of the Bill relating to the bridge clauses. The first of the three consecutive amendments is that which relates to the three clauses referring purely and solely to the building of the bridge—clauses 4, 5 and 6. The second amendment was a consequential one, following from that, and relates to the 17th clause, which provided for the issuing of bonds for the bridge as well as for the construction of the railway. The amendment to the 17th clause struck out all relating to the bonds or mortgages given for the raising of money in order to build the bridges. The

other amendment is returning the Bill with the amendment, which was in the first report, renewed; that is to say, the amendment which related to the circumstances under which this company could take any step at all, and which prevented them from taking any step in carrying out the undertaking until after they had made an agreement with the competing company. Under these circumstances, the Bill is in a position that I can ask the House to concur in the amendments. I therefore move that they be concurred in.

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

DISMISSAL OF JOHN WIGGINS.

ENQUIRY.

HON. MR. McINNES (B.C.) enquired of the Government:—

"Why was John Wiggins, of New Westminster, B.C., and lately employed in the British Columbia Penitentiary, dismissed; and what is the amount, if any, still due him in respect of such employment?"

HON. MR. ABBOTT—I have to inform my hon. friend that the cause of the dismissal of this man Wiggins is somewhat complicated, and arises out of papers which he was going to move for to-morrow, and I think it would be better to leave the explanation of that cause until after those papers come down, which will be soon after they are moved for. As to the money due him, there is a small sum, the exact amount of which the Department does not know. That was offered to him but was refused.

CENTRAL ONTARIO RAILWAY BILL.

THIRD READING POSTPONED.

The Order of the Day having been called, Third reading Bill (87) "An Act respecting the Central Ontario Railway."

HON. MR. READ said: There is an amendment to be proposed to this Bill on the third reading, and as I have no authority from the promoters to accept of an amendment, I wish to have time to consult them as to what I shall do.

HON. MR. VIDAL—There is no notice given of any amendment.

HON. MR. READ—No; but I understand that the leader of the House proposes to move some amendment.

The motion was agreed to, and the Order of the Day was discharged.

THE ADULTERATION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (9) "An Act further to amend the Adulteration Act, Cap. 107 of the Revised Statutes."

(In the Committee.)

On the 11th section,—

HON. MR. ABBOTT—With reference to the question which my hon. friend opposite (Mr. Pâquet) put to me, as to the standard for milk, the matter has formed the subject of a good deal of consideration with the Minister, and the conclusion that he has come to is this: That it would be difficult, perhaps impossible, advantageously to fix one standard for milk. It is necessary that milk for manufacturing purposes should possess a certain percentage of fatty matter, but it is not absolutely essential for domestic uses that it should be as rich as it must be for manufacturing purposes, and the present intention is to have, under clause 8 of this Bill, two standards for milk—one which will form the minimum standard for milk to be used for manufacturing purposes, and the other to form a minimum standard for milk to be used for domestic purposes. It would gratify the Minister very much if gentlemen like my hon. friend opposite, who have given their attention to this subject, would favor him with their views about it. It is a new subject, and it is one of very grave importance indeed from many points of view, and we are extremely anxious that it should be dealt with as it ought to be, and if my hon. friend would favor the Minister with his views, either by sending him a memo. or by seeing him, it would gratify us very much.

The clause was agreed to.

HON. MR. ABBOTT moved that the committee rise and report the Bill without amendment.

HON. MR. HAYTHORNE—Before the committee rises I may say that I am fully alive to the importance of having a standard for milk. I recently read in an English

paper that milk was still one of the few things that it was found difficult to deal with there, owing to the want of a standard laid down by the Government as to quality, and it is now a moot question there as to establishing that standard. I am glad to find that we in Canada are a little ahead in that respect, although I fear that we are a little behind them on the general principle with regard to which our adulteration Acts are passed. They appear to have, in England, an Act making the vendors responsible for the quality of all the articles they sell, and as a consequence there is a general purity found to exist now in the articles sold by retail, in which adulteration used to be so very common. I rather think, that before very many years elapse, Canadian dealers will have to be placed under the same responsibility with regard to the articles that they retail, looking of course themselves to the parties who furnish the goods.

HON. MR. OGILVIE—The Minister will have to be very careful not to make the standard too high, and I am very glad to hear the remark of the leader of the House about two standards. On the Island of Montreal there are two points, three miles from each other, at one of which they got the standard easily; on the other point they are not able to get the standard at all. At one place it is high gravelly soil, and it seems to be able to produce richer milk there than on low clay ground. That is along the Petite Cote road. At Longue Point it is not so, and at one of the richest farms that I know of they tried six or seven times last year, by examining the milk fresh from the cows, to get the standard, and they never reached it. I suppose it is on account of the different qualities of feed, so that if the standard was made too high it might be very severe on parties who own low lands, where their cows cannot get as good feed as they can on high lands.

HON. MR. ABBOTT—I would like to say, in answer to my hon. friend from Prince Edward Island, with whose sentiments on this subject I entirely concur, that an effort is being made by this Bill now before the committee in the direction he indicates. The Government are fully sensible of the necessity of enforcing these laws against adulteration, as well as making them and putting them on the Statute-book; but the hon. gentleman not being a lawyer himself, and perhaps not having had any experience on this particular subject, cannot be aware of the extreme difficulty of procuring a conviction against a dealer for the sale of adulterated articles. It is very difficult to say that a man shall be convicted because he sells an adulterated article, unless it is shown that he has some knowledge of what he is doing, and I may say that most of the prosecutions have failed from the impossibility of proving that the man who sold the article had a knowledge himself of the adulteration of it. In sections 5 and 9 provision is made for giving much greater publicity to the examinations made, including the names of the vendors and the results of those examinations, than has hitherto prevailed. In addition to that section which places the vendor on a different footing altogether with regard to the article which he sells, it is not sufficient for him under the provisions of section 9 to profess ignorance, or place himself in a position for knowledge to be proved against him, but he must take a certain amount of precaution, and must do that in a formal manner, to relieve himself from the punishment which the law inflicts for adulteration.

HON. MR. HAYTHORNE—By making the vendors responsible for the purity of all the articles they sell they themselves will take care to obtain such a guarantee from the manufacturer as will practically secure the object we all have in view, which is the sale of absolutely pure articles. That, I think, has been the experience of countries that have tried making vendors responsible. I do not mean to attach any criminal intent to the vendors. They sell what they get, and probably the chief gainers by it are the manufacturers of the adulterated articles; but if these gentlemen were reached by law through the vendors I think it would tend to the security of the public.

HON. MR. ABBOTT—That, as my hon. friend will see, is precisely the tendency of section 9.

HON. MR. MACINNES (Burlington), from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved the third reading of the Bill.

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

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

COMMITTEE POSTPONED.

The Order of the Day being read,—House again in Committee of the Whole on Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes."

HON. MR. KAULBACH said: Many of the gentlemen who are interested in the discussion of this Bill are absent, and I think it would be well, if my hon. friend considers it will not interfere with the public business, that the consideration of the Bill be postponed until after the adjournment.

HON. MR. ABBOTT—My hon. friend anticipates what I was about to say to the House with regard to this Bill. A good many of the gentleman who take an interest, and some who took part in the debate yesterday, have left already, but they called upon me and asked as a particular favor that the Bill should not be proceeded with in their absence. I therefore move that the Order of the Day be discharged, and that it be an order for the 10th of April next.

HON. MR. HAYTHORNE—Will the hon. gentleman, during the recess, see that the promised slips showing the changes in the law are distributed to members.

HON. MR. ABBOTT—My hon. friend does not quite realize the difficulty. There is no statute, nothing to which we can refer as containing the existing law, and, therefore, it is practically impossible to do what I did on one occasion—I think it was when the Customs Act was before us two or three years ago—print the Bill and the existing law in parallel columns, showing the difference between them. The changes in the law are not absolute, positive changes, except in very minor particulars. Where they appear to change the law they really do scarcely anything more than settle disputed points. There is really no absolutely new legislation in the Bill, from one end to the other. I have a further table from the Minister of Justice, showing the clauses in which there is some difference between the English law and our law, and those of the clauses in which we have what may be called, in one sense, a new enactment, inasmuch as it settles difficulties that occurred previously. I would be happy to communicate that to my hon. friend if he desires it, but I do not think I could profitably undertake to publish a regular statement of the changes, because there are no data from which to commence. There is no clear statement of the present law on promissory notes in existence. It is taken from judgments, from decisions of the courts, from custom, from the code of Quebec, from the statutes in different Provinces, and largely from the existing definition of the law in England; but I shall be prepared, as I was yesterday, to point out in advance, on any clause being called, exactly what alteration, if any, is made by that clause in what is generally understood to be the existing law. I do not think I could do more than that.

HON. MR. HAYTHORNE—The hon. gentleman congratulates the House on the forward state of the business, but I beg to point out that there are two important private notices of motion which have been postponed from day to day. One of them is in the hands of my hon. friend from Alberton, and is a motion which is of very special interest to the people of Prince Edward Island. I cannot, of course, say whether my hon. friend has been induced to postpone that motion in consequence of the adjournment, or what other cause, but I can only say that the people of Prince Edward Island take a very keen interest in the motion of which the hon. gentleman has given notice and which has been postponed more than once.

HON. MR. KAULBACH—I am glad to hear my hon. friend speak that way. On former occasions, when this matter came up, I did not find him taking such a keen interest in it as he does now. With reference to the measure before us, relating to bills of exchange and promissory notes, I wish to know if the French code has been brought in harmony with the law of the Dominion on this subject? I know there is some difference between the law of Quebec and the laws of the other Provinces.

HON. MR. ABBOTT—I am pleased to be able to say that, so far as the principles of the law are concerned, this Bill harmonizes the laws throughout the whole Dominion. There may be some slight difference in the Quebec law as to the exigencies for presentments and protests, but it it only in matters of detail, matters of procedure, and does not affect the principles of the law.

HON. MR. HOWLAN—I may say, in reply to my hon. friend from Charlottetown, that the only reason I postponed the motion of which I gave notice was in order that we might make more rapid progress with the business of the House. Several gentlemen expressed a wish to get home, and I thought that the motion might be allowed to stand until to-day. A similar anxiety is manifested to-day, and as nothing can be lost by postponing the motion, I am willing to let it stand over until after the holidays.

HON. MR. HAYTHORNE—I hope that the hon. gentleman who leads the House will, on the resumption of business here, feel himself in a position to give the House some information with regard to the state of negotiations between the British and the American Governments on the Behring Sea question. It may be in the hon. gentleman's recollection that the subject was alluded to at the opening of the Session, and I think then he expressed the hope that he would be in a position to give further information before the House rose. I only hope that the hon. gentleman will be able to do so when we meet after the holidays.

The motion was agreed to.

The Senate adjourned at 4 o'clock.

THE SENATE.

Ottawa, Wednesday, April 9th, 1890.

THE SPEAKER took the Chair at 8:30 p.m.

Prayers and routine proceedings.

PUBLIC LANDS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of Whole on Bill (W) "An Act respecting Grants of Public Lands."

(In the Committee.)

On the 1st clause,—

HON. MR. SCOTT asked for an explanation.

HON. MR. ABBOTT—I had the honor of informing hon. gentlemen of the purposes of the Bill on the second reading, but I shall be happy to repeat the explanation. This is a Bill for the purpose of harmonizing the system of grants with the Torrens system of conveyance, and for no other purpose. I am afraid, not being a lawyer under the common law, that I cannot explain accurately the precise effect of the change, but I understand it to be something like this: In ordinary letters patent property is conveyed by the Crown to the grantee and his heirs; under the Torrens system, as I understand, the land does not pass to the heirs of the deceased in case of transmission by death, but to the executors, and this Act is intended to harmonize the system so that the grant in the letters patent, which would not, under the common law, be a grant in fee, is made a grant equivalent to a grant in fee to harmonize with the Torrens system.

HON MR. SCOTT—The reason I asked for an explanation is that the Bill applies to Ontario. Now, the Torrens system is not in force in Ontario, except in a small area of it, but it is in force in the North-West.

HON. MR ABBOTT—I am unable to inform my hon. friend why it is made to apply generally to Ontario.

HON. MR. SCOTT—For Manitoba and the North-West Territories it is all right enough.

HON. MR. ABBOTT—It would be all right also in those parts of Ontario which are under the Torrens system. Whether there is any objection to having the Bill apply to Ontario generally I do not know, not being familiar with the laws of this Province.

HON. MR. POWER—It appears to me that this Parliament has no power to deal with the public lands of Ontario.

HON. MR. SCOTT—There are Indian lands in Ontario.

HON. MR. POWER—I quite see the objection taken by the hon. gentleman from Ottawa. The Torrens system is not

in operation in Ontario, except as to the County of York, and I do not think the Dominion Government owns any land in that county.

HON. MR. ABBOTT—The hon. gentleman will see, with regard to that point, in the third clause it is limited to Dominion lands, Ordnance or Admiralty lands, Indian lands, and all other lands which are the property of Canada, or of which the Government of Canada has power to dispose.

HON. MR. POWER—Take, for instance, the Indian lands in the County of Haldimand. The Torrens system of land conveyancing and registration is not in operation in that county. Why should the lands which the Dominion Government may grant there be under a different law from the lands in other counties?

HON. MR. ABBOTT—That is the objection taken by the hon. gentleman from Ottawa, and the one which requires explanation. If the committee will pass the Bill through this present stage, I will be in a position to give an answer to that question at the third reading.

HON. MR. POWER—As to the second clause, the twenty-third line says that the grant shall be "taken and held to have operated as a conveyance to such personal representative of an estate in fee simple or an equivalent estate in such lands." It appears to me that there should be some words to show—I do not know that they are absolutely necessary—that they are conveyed to him as such personal representative, and that the administrator does not take them for himself.

HON. MR. ABBOTT—The preliminary sentence of the clause makes that clear. I do not think there is anything in that point.

HON. MR. DRUMMOND, from the committee, reported the Bill without amendment.

INTEREST ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (X) "An Act to amend Chapter 127 of the Revised Statutes of Canada, entituled: 'An Act respecting Interest.'"

(In the Committee.)

HON. MR. ABBOTT said: I desire to improve this Bill by adding a clause to repeal two sections of the Revised Statutes, which should not have been allowed to remain in force, and which are only productive of trouble and worry to understand what they mean. I refer to sections 10 and 11 of the law respecting interest, both of which are inconsistent with all the legislation we have had with reference to interest, and have become entirely obsolete. In some extraordinary manner these clauses escaped the notice of the legislators, and found their way into the Revised Statutes. It was intended last Session to repeal these two sections, but the Bill relating to interest came up at too late a stage of the Session. I move that a clause be added to the Bill to repeal sections 10 and 11. If the committee accept this amendment, I propose to let the third reading be postponed for two or three days, so that hon. members may see what the effect of the amendment is.

HON. MR. POWER—While I think that the first sub-section of section 10 appears objectionable, it strikes me that there should be some limitation to the amount of interest that should be chargeable in these cases; but looking at the remainder of this chapter I do not see that, apart from those two sections, there is any limitation of the rate of interest, and it occurs to me that there ought to be some limitation. I do not think that in the case of bills and notes, for instance, more than 8 per cent. should be collectable.

HON. MR. DEVER—I do not see why there should be any limitation of the rate of interest any more than in anything else that is the subject of bargain and sale. It is not the case in New Brunswick.

HON. MR. ABBOTT—The policy has been to relieve the dealing in money of any restriction, leaving it perfectly free to people to make whatever bargain they please, except in special cases, where there is a special exception created by charter or Act.

HON. MR. DEVER—Where there is no bargain, there should be limitation of interest.

HON. MR. POWER—The hon. gentleman from St. John has undertaken to con-

tradict what I said just now about the other Provinces. I would refer him to the provision with respect to New Brunswick in chapter 127 of the Revised Statutes.

HON. MR. DEVER—That has been repealed, I understand.

HON. MR. POWER—No; it is in force now. The next section contains a provision such as I have suggested just now.

HON. MR. ABBOTT—My hon. friend is right, I think, in saying that there is a restriction in New Brunswick and Nova Scotia, but that is not the general policy of the Dominion, and I dare say it has found its way into the Act in deference to the feelings of the people of those Provinces. The clauses which are being repealed apply only to the Province of Quebec.

The motion was agreed to.

HON. MR. READ (B.C.), from the committee, reported the Bill as amended.

SAMUEL MAY RELIEF BILL.

SECOND READING.

HON. MR. MACINNES (Burlington) moved the second reading of Bill (16) "An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May." He said: This Bill has been postponed for some time until a Bill of a kindred character should reach us from the other House. The other Bill has not yet reached us, and I do not like to ask the House to defer the second reading of this one any longer.

HON. MR. SCOTT—Postpone it for ten days until the other Bill comes up, and let the two be considered together.

HON. MR. MACINNES—I may state that I have some evidence to offer before the Committee on Standing Orders and Private Bills, if the Bill is referred to that committee, in order to show the *bona fides* of the petitioner and the merits of the Bill, and with the permission of the House I prefer to go on with it.

HON. MR. ABBOTT—I took some objection to my hon. friend's motion on a former occasion, and suggested that the whole question should come up before the House at the same time, and therefore I thought it better that this Bill should wait the coming of the other, but I do not think it is quite fair to keep my hon. friend hanging between heaven and earth so long, and as he tells me that he has evidence to bring before the committee which will place the House in possession of the facts as to whether this Bill should be made an exception to the general rule, I think it is only fair that he should have the opportunity to do so. We can take any time we like to consider the Bill itself on another occasion after the Bill comes back from the committee.

HON. MR. DICKEY—I think in fairness to the House we should not be compromised by any action we take now at this stage of the Bill. The motion before the Chair is that the Bill be read the second time, and that involves the principle of the Bill, which I, for one, do not wish to be considered as assenting to. Whatever course my hon. friend wishes to take, we should not be embarrassed by being called upon to sanction the principle of the Bill at this stage, when we might be very much disposed hereafter to regret our action. If the motion had been that the Bill be not now read the second time, but that it be referred to committee, it would be another matter. That was the course I presumed my hon. friend would take, and in that way the House would not be compromised and he could bring all the information before committee that he desired.

HON. MR. ABBOTT—I would call my hon. friend's attention to the fact that the second reading of a private Bill is not considered to have the same force as binding upon the House on future occasions as the second reading of a public Bill. Of course a great deal depends upon the merits of a private Bill and the evidence that can be adduced in support of it; and it is the ordinary practice of the House undoubtedly to give private Bills the second reading and refer them to committee. The House never hesitates, after the committee reports a Bill, to deal with it as they think proper. When this Bill came up on a former occasion the impression I had was that it was an entirely new proceeding, one for which I thought there was no precedent. I stated so on the authority quoted in another place. I have had occasion, however, since then, to look into the records myself, and I find that there are three or

four Bills on our Statute-book already carrying out the principle which my hon. friend seeks to act upon in his Bill, some of which passed without any objection whatever, and I only find one instance of a Bill being rejected in another place, and none in which a Bill of a similar character was rejected in this House. So, in reality, if we come to precedent the statements quoted in the Commons *Debates* were erroneous, for there are actually laws on the Statute-book similar to this one in all respects. Even that would not decide me to pass a Bill like this as a matter of course, or anything approaching a matter of course. I should only do it in an exceptional case, and I could conceive a case where it would be a manifest hardship to a patentee to refuse him a renewal of his patent, and I do not think any hon. gentleman in this House would reject an application of that description. I could speak of a case which occurred where the mail happened to be late—where the money for the renewal of the patent was in a registered letter that had arrived in Ottawa a few minutes after the period at which registered letters were delivered in Ottawa. The letter and money made their appearance in the Department after the time for renewing the patent had lapsed and the Commissioner refused to renew it. Should a gentleman come to the House under such circumstances and apply for a renewal of his patent on the ground that he did everything he could to get a renewal within the proper time, we should feel disposed to sanction it. I am confident that the great majority of this House would vote for it. It is possible to conceive a case where we would be disposed to relax the rule prescribed for us in the patent law. My hon. friend from Burlington tells me that he can make out a very strong equitable case in favor of this Bill, and I do not think we shall compromise ourselves in our final vote on this Bill by passing the second reading now and referring it to committee to ascertain what my hon. friend can prove of the efforts made by the petitioner to get a renewal for his patent.

HON. MR. KAULBACH—I am opposed to this Bill. I think it is a dangerous measure, calculated to establish a precedent of a vicious character. We have not only to look at the rights of the individual himself, who neglected to renew his patent at the proper time, but we have to look to the interests of the public. This industry belongs to the public, and we are actually by this Bill depriving them of the benefit of it. We may by our action be depriving gentlemen who have invested capital in the manufacture of this article, whatever it is, of a right to which they are fairly entitled under the law. The petitioner has had for five years absolute control of this patent, and I do not see why he should have a continuous monopoly. If it is his misfortune to have forfeited his patent it is also his fault. He has had five years of a monopoly, and with the practical experience gained in that time, and with his plant and facilities for manufacturing, he still has the advantage over competitors, and if, through his neglect, his patent was not renewed at the proper time, and it has now become the property of the public, I do not think it is in the interests of the community that the public should be deprived of the rights which they have acquired.

HON. MR. McDONALD—You rob the patentee of his rights.

HON. MR. KAULBACH—If he has neglected his duty and allowed his patent to lapse, I do not see why we should interfere between him and the public. Supposing others have been investing their money in this industry, knowing that the patent had lapsed, are such men to be prejudiced in this way? I think the public have rights to be protected as well as the individual. We are told that there is another Bill of this character before Parliament, and if we pass this one it is hard to say how many more we shall have if such a precedent is established.

HON. MR. VIDAL—I think my hon. friend from Lunenburg is making a great mistake in opposing the second reading of this Bill. His statement shows the necessity of letting this Bill go to the committee, where evidence can be received. How can any of us form a judgment on the case without knowing the particulars of it? We have had it shown already, by the leader of the House, that circumstances may occur where not a single member of the Senate would refuse relief to an applicant. How do we know but this is a case of the kind? If we remit this Bill to the

committee to look into the evidence, I have perfect confidence in that committee that they will guard the interests of all parties concerned as jealously as this House will. If any reason should be shown why this Bill should not pass, the committee will report to that effect. How are we to judge whether it is right to pass this Bill or not, if we do not send it to the committee, where the evidence concerning it can be obtained? I am persuaded that the majority of this House will see the reasonableness of the proposition that has been made. We do not commit ourselves to the principle of the Bill, when it is a private Bill which requires investigation.

HON. MR. POWER—I am rather in a quandary as to how I should vote on this motion, and I am placed in that position by the hon. leader of the Senate. When the Bill was under discussion on a previous occasion he opposed it as a matter of principle, and he tells us this evening that while he may possibly oppose the Bill at a later stage, still he thinks it would be highly unfair to the hon. promoter, and the person whose interests he represents, not to allow this Bill to go to a committee for the purpose of having an inquiry. Now I remember that when this Bill was under discussion before, the hon. leader of the House did not take that view. At that time he looked at the preamble, in which are set out all the arguments in favor of passing the Bill, and took the ground that if all the statements in the preamble—and that is all that could go to the committee—if all those allegations were true, the Bill should not pass. Now, what is the substantial allegation? It is that this patent was granted on the 12th of July, 1883—the day is perhaps a little ominous—and under the law the owner of the patent should have made his application on or before the 12th July, 1888. Now, it may be that Mr. May was engaged in the celebrations which occasionally take place on the 12th July, but then that might have been forgiven him if he had applied next day, but no application was made for three months afterwards, not until October, 1888, and since that time a further period elapsed, from October, 1888, until the opening of the present session of Parliament, before any steps were taken by Mr. May to make his rights good.

HON. MR. MACINNES (Burlington)—He could not have taken any steps before.

HON. MR. POWER—He could have applied in the Session of 1889. As the hon. member from Lunenburg has said this evening, and the leader of the House said on a former occasion, the public may have been using this patent since.

HON. MR. MACINNES (Burlington)—He, Mr. May, had no opportunity of applying to Parliament until now. He could not have done it during the previous Session.

HON. MR. POWER—Why not?

HON. MR. MACINNES—Because there was not time. Last year the House had risen, and he applied at the very earliest period he could to this Parliament for relief.

HON. MR. POWER—His patent right expired on the 12th July, 1888. The application to the Department was made by his solicitor in October, 1888, and then the application should have been made to this Parliament the following Session. A good deal of time has elapsed and, as has been pointed out, the rights of other people may have arisen in the meantime. Now we are asked, because his solicitor neglected his duty, to pass this Bill. I quite agree with the view taken by the leader of the House on a previous occasion, that this would be vicious legislation, and the arguments which the hon. gentleman has made use of this evening have not changed my mind. Unless he produces stronger reasons in support of the Bill I shall oppose the second reading.

HON. MR. DRUMMOND—With regard to the rights of other parties which may have arisen in the meantime, clause 2 applies to them.

HON. MR. KAULBACH—No.

HON. MR. DRUMMOND—Clause 2 says:

"Any person who has, within the period between the twelfth day of July, one thousand eight hundred and eighty-eight, and the extension of renewal hereunder of the said letters patent, acquired any interest or right in respect of such improvements or invention, shall continue to enjoy the same as if this Act had not been passed."

That fully provides for any interest which may have arisen prior to the passing of this Act.

HON. MR. MACINNES (Burlington)—I may also state that it requires a very large expenditure to go into this business—the erection of expensive buildings; and I believe it can be shown before the committee that no one else has commenced to manufacture this particular article. I am perfectly convinced that it would be only justice to Mr. May to give him an opportunity to prove his *bona fides*, and to show that the neglect was not his. He is entitled to go before the Standing Orders Committee, and prove under oath the allegations set forth in the preamble. If he does not prove his case to the satisfaction of the committee, of course there the matter ends, but if he shows a good case, it would be only doing justice to grant him relief.

HON. MR. DEVER—Has anybody petitioned against the passage of this Bill?

HON. MR. MACINNES—No.

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

THE RECENT ADJOURNMENT.

HON. MR. ABBOTT moved that the House do now adjourn.

HON. MR. POWER—Before the House adjourns I wish to call the attention of the hon. member from Lunenburg to the fact that there has not been a vast accumulation of work from the House of Commons during our adjournment.

HON. MR. KAULBACH—But there is before us some legislation that may be defeated through the delay caused by our adjournment.

HON. MR. ABBOTT—I hope no injury will result from our little junketting, and I do not think there will be any.

The motion was agreed to, and the Senate adjourned at 9:20 p.m.

THE SENATE.

Ottawa, Thursday, April 10th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

CENTRAL ONTARIO RAILWAY BILL.

REFERRED BACK TO COMMITTEE.

The Order of the Day having been called, "Third reading Bill (86) 'An Act respecting the Central Ontario Railway.'"

HON. MR. READ said: This Bill has been laid over in the interest of some of the original bondholders, who ask for an amendment to secure their position as it now exists, so that there will be no uncertainty about it. I beg, therefore, to move that the Bill be not now read the third time, but that it be amended by inserting in the sixth line, after the word "shall," the words "continue to all the property covered by the mortgage securing such bonds." I move this with the consent of the bondholders, and they are the only parties interested. The Bill would appear to convey the idea that their bonds would cover the road to be constructed. It is only intended that the securities shall cover the road already constructed, and it is to make it definite, that there shall be no mistake about it.

HON. MR. DICKEY—It would be better if the hon. gentleman would move that the Bill be re-committed. We can hardly grasp the whole scope of this amendment on such short notice.

HON. MR. POWER—I think it would be better to adopt the course that was adopted with another Bill the other day, that is, to refer it back to the Committee, and let the Committee make the amendment.

HON. MR. MILLER—Even then, notice will have to be given; it being a private Bill no amendment can be made to it without notice.

THE SPEAKER—I think the simplest form would be for the hon. gentleman to move that the Bill be referred back to the Committee on Railways, Telegraphs and Harbors.

HON. MR. READ—I will adopt that suggestion, and beg to move that the Order of the Day be discharged, and that the Bill be referred back to Committee.

The motion was agreed to, and the Order of the Day was discharged.

PUBLIC LANDS BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (W) "An Act respecting grants of Public Lands." He said: This Bill passed through Committee yesterday, but there was one point in it respecting which some questions were put to me, that I was not at the time prepared to answer with a proper degree of precision. The Bill is intended in the main to reconcile the system of grants made by the Government with the system of transmission of property known as the Torrens' system, and it was pointed out that it applied not only to the Province of Manitoba and the North-West Territories, where the Torrens' system exists, but also to Ontario, where it only partially exists. For the moment I saw some difficulty in that fact, and desired to have time to consider the Bill. I find now, as a fact, that the main object of the Bill is to reconcile the two systems; but, in the Province of Ontario there has been a law passed which provides for the devolution of property, and which makes real estate passing from a deceased person personal estate, that is, it goes to his personal representatives, exactly as under the Torrens' system the land passes to the persons who represent it, and, therefore, the Bill is intended not only to harmonize the present system—the form of the patent with the Torrens' system—but also to harmonize in Ontario, in the limited area in which this has anything to do with it, the land grant with the system of devolution of property under the legislation adopted in 1886.

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

NORTH-WEST TERRITORIES BILL.

COMMITTEE POSTPONED.

The Order of the Day having been read, "Committee of the whole House on Bill (V) "An Act to amend the Acts respecting the North-West Territories."

HON. MR. ABBOTT—There are certain points which will come up on the discussion of this Bill, and one or two which have been brought to the notice of the Government lately, and which are now under consideration, and for these reasons I ask that the Order of the Day be discharged, and that it stand as an order for Tuesday next.

The motion was agreed to, and the Order of the Day was discharged.

SASKATCHEWAN RAILWAY AND MINING CO.'S BILL.

SECOND READING.

HON. MR. READ (Quinté) moved the second reading of Bill (34) "An Act to amend the Act to incorporate the Saskatchewan Railway and Mining Company." He said: This Bill extends the time of commencing the construction of the railway and also authorizes a connection with the Hudson Bay Railway.

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

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole the consideration of Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes."

(In the Committee.)

On the 32nd clause,—

HON. MR. ABBOTT said: Sub-section 2 is changed in some degree but not materially. This is a modification of section 4 of the English Act. There is a form of endorsement which is common in the Province of Quebec and not unknown elsewhere in the Dominion. I am not satisfied that this clause provides for that endorsement. It is known as endorsement *pour aval*. It is true this clause has reference to the transfer of a bill, but I think that the amendment that I suggest could be made at the end of the clause.

HON. MR. POWER—This clause deals altogether with the transferring of bills.

HON. MR. ABBOTT—Although it says in the first portion of this clause, that it purports to deal with the negotiation of a bill, still the third and fourth sub-sections do not seem to deal exclusively with that subject, and we might with propriety treat this clause in a more comprehensive way.

HON. MR. DRUMMOND—I would venture to suggest that if a person is wrongly designated in a bill, and endorses it as therein stated, he should be compelled to attach his proper signature. Under such

circumstances, a man should be held clearly responsible over his own proper signature, for the fact that he adopts deliberately an erroneous designation. I would therefore suggest to strike out the words "if he thinks fit," and that he be compelled to adopt the wrongful designation over his own proper signature.

HON. MR. ABBOTT—My hon. friend's suggestion is a very important one and should not be dismissed without due consideration. With the consent of the House, I will let the clause stand for the present.

HON. MR. SCOTT—The suggestion is a very good one.

The clause was allowed to stand.

On the 36th clause,—

HON. MR. DRUMMOND said: It appears to me that the third sub-section is very vague and uncertain and that some definition should be given of what is a reasonable length of time.

HON. MR. ABBOTT—My hon. friend's objection to this has a certain degree of plausibility, but the same difficulty occurs in a great many places in the Bill, and already exists in the law. The question whether a bill, or note, or cheque, payable on demand is presented within a reasonable time has always been left to the appreciation of the court. There are cases where a bill has been held for nearly five years before being presented, and it has been decided that it was not withheld an unreasonable time. There are other cases in which a much shorter time has been held to be unreasonable. It all depends on the circumstances of the case. For instance, it is a common practice for a demand note to be given to a bank as collateral security for an account. Although it is made payable on demand, it is obviously not intended to be presented, but to remain in the hands of the bank until the persons whose names appear on it insist on something being done with it. In a case which went from St. John's to the Privy Council a note which had been left in the hands of the St. John's glass works for over four years, until the parties to it had become bankrupt, and was then presented, was held to be presented in sufficient time, because it had been presented in the hands of the bank as collateral security. It is therefore practically impossible to put into any Act what is a reasonable time within which a note payable on demand shall be presented, and it has to be left to the judgment of the court.

The clause was adopted.

On clause 38,—

HON. MR. DRUMMOND said: It is well known in Canada that the maker of a note very often pays the wholesale house to whom it is given, and not the bank. The wording of the last clause of sub-section (*c*) of this section would appear to open the door to the discharge of the promissor.

HON. MR. ABBOTT—The rights and powers of the holder of a bill are defined by this section. That is an incident to the character of bills of exchange and promissory notes. They are necessarily negotiable, and obtain a kind of sanctity in the hands of a third holder for value which is not accorded to any other form of payment. In the hands of a third holder, for value, even though the note was improperly negotiated by the original holder he can obtain value for it, leaving the man who gave it recourse against the party who improperly negotiated it.

HON. MR. SCOTT—That is, if the paper has matured, but this might be interpreted to apply to a note at any stage.

HON. MR. ABBOTT—Words are employed through this Bill to signify a note given to a third party for value.

HON. MR. DRUMMOND—It would not apply in the way I suggested.

HON. MR. ABBOTT—The holder must be paid.

The clause was adopted.

On clause 42,—

HON. MR. ABBOTT said: There is a good deal of laxity as to what is the proper time for accepting a bill. There is no such universal custom established in the Dominion as would justify a person delaying acceptance of a bill of this kind without exposing himself to some risk. It was thought expedient, and it met with the approbation of a good many business men who were consulted about it, to fix the time as stated in this clause. That is, if

it is not accepted on the day on which it is actually presented for acceptance, or the following day, then it must be protested.

HON. MR. SCOTT.—I think it would be a mistake to alter the law in that particular. Bills are often sent forward for presentation, and the party has not had advice; he says, "call to-morrow or the day after to-morrow; I have not had my mail, and I will probably hear from the drawer in a couple of days." The bill is withheld accordingly. Under this clause the bank could not withhold it.

HON. MR. ABBOTT—Yes, for two days, the day of presentment and the next day.

HON. MR. SCOTT—My idea would be to allow more time. You cannot lay down an arbitrary rule that would apply in all cases.

HON. MR. McKAY—Bills are often presented before the invoice of the goods are received, and the banks allow a draft, in such a case, to remain in their possession until they know that the goods have arrived.

HON. MR. DRUMMOND — A longer time would be better; three days, at least, should be allowed.

The clause was allowed to stand.

On the 45th clause,—

HON. MR. ABBOTT said: This is slightly different from the provision in the English Act. In sub-section (*c*) the words "or his representative" are added, and we leave out the words "at a reasonable hour on a business day."

HON. MR. POWER—Why leave out those words? They seem reasonable.

HON. MR. ABBOTT—There is no occasion to provide that it shall be on a business day, because there is another specific provision in the Act which excludes the payment on a day which is not a business day. To fix what would be a reasonable hour was thought inadvisable, because outside of cities, where business hours are not always observed, it would not be considered at all improper to present a bill or note at the store of a storekeeper whose business is in full blast between seven and nine in the evening; but in a city it would probably be considered a rather extraordinary proceeding to present a bill at such an hour. It was thought perfectly safe to leave this to the practice that prevails among the people themselves who hold notes and have to pay them.

HON. MR. POWER—I do not feel quite clear about that. Suppose, as has happened in American cases, the presentment for payment is made at 11 o'clock in the evening at a man's house, and he does not happen to keep his money about the house, he cannot be expected to pay then.

HON. MR. PELLETIER—That would not be the proper place or time.

HON. MR. POWER—The proper time is left out. I doubt the wisdom of departing from the wording of the English law there.

HON. MR. ABBOTT—There is no provision in our law as it stands as to the time in which a bill should be presented, and it seems to me that we have worked under the law as it stands without any difficulty, and we do not wish to introduce any arbitrary change with respect to bills and notes that does not exist in any Province in our country now.

HON. MR. DICKEY—Still, we are doing it with regard to a great many points in this Bill.

HON. MR. ABBOTT—I do not think we are making any changes of importance, except where inconvenience and loss to the community have been experienced under the existing law. I have never had a case, and I have had a great deal of experience in my practice, in which a difficulty arose because of the time of presentment. There is a word omitted in sub-section 7 which I should like to put in. The word "acceptance" should follow the word "bill" in the first line, because if the place of payment is specified in the acceptance the bill ought to be presented at that place. Under the English law the word "bill" is construed to mean bill or acceptance, but in passing this Bill through the House of Commons some one took exception there to the word "bill" as possibly not including the acceptance, and the words "or acceptance" have been inserted in several places in the Bill, and as they are left out here, it seems to me it might create a doubt whether it meant

acceptance or not, so I move to insert the words "or acceptance" in the first line of the second sub-section.

The amendment was agreed to.

On the 47th clause,—

HON. MR. ABBOTT—In sub-section 2 of this section there is an omission. It is stated that a bill is dishonored by non-payment when it has been presented for payment and payment has been refused. Then the section goes on to define what the rights of the holder are. The word "acceptor" ought to be there, because the recourse is created against the acceptor, as well as the drawer and the endorser.

HON. MR. POWER—It is remarkable that so important a point as that should not have been dealt with by the English Act.

HON. MR. ABBOTT—We all know that as soon as the bill is dishonored the immediate right of recourse exists against the whole of the parties to the bill; still, as we are taking the trouble to make all the parties liable, we may as well name all of them.

The clause was agreed to.

On clause 49—notice of dishonor,—

HON. MR. SCOTT—Is verbal notice sufficient now?

HON. MR. ABBOTT—Yes; I think it is a matter of proof in Quebec. I do not know how it is in Ontario.

HON. MR. SCOTT—I have no objection to the provision.

On sub-section 4,—

HON. MR. SCOTT—I think it is introducing a very dangerous principle, to make a notice of protest or dishonor as being sufficiently given if it is addressed to any party to such bill at the place where the bill is dated.

HON. MR. REESOR—I think it is usual to ask the post office address of every endorser.

HON. MR. ABBOTT—I think the deposit in any post office at any time during the day on which protest or presentment has been made ought not to be sufficient unless the postage is paid. I propose to add after the words "post office," in the seventeenth line, the words "with the postage paid thereon."

The amendment was agreed to.

HON. MR. ABBOTT—Then in sub-section 5 I would like to add in the 23rd line, after the word "posted," the words "as before provided."

The amendment was agreed to.

HON. MR. POWER—Paragraph (*k*) is different from the English law. The provision in the English Act is that notice must be given as soon as the bill is dishonored, or as soon after as possible. This Bill provides that notice must be given not later than the next following judicial or business day.

HON. MR. SCOTT—I would like my hon. friend to consider if an amendment would not be in order at the 9th line of sub-section 4, with reference to qualifying the words "at his customary address or place of residence," by adding "or place where such residence is given."

HON. MR. ABBOTT—A note is payable to so-and-so in Montreal, and is endorsed by half a dozen people. The note is not paid when it falls due, and it goes with perhaps a hundred other notes to the notary to be protested. He sends notices to everybody on that bill to the place where the note is dated. He mails the notices in Montreal. If the endorsers live elsewhere it is only necessary for them to insert after their names the places to which notice shall be sent, and if they fail to do so it is their own fault if notice is sent only to the place where the note is dated.

HON. MR. SCOTT—The rule in Ontario is that the notary has not only that day but the whole of the next to post the notice, and during that time he has plenty of time to make enquiries. If a well known firm in Toronto is endorser on a bill, surely it is not asking too much of the notary to address the notice to the proper address. It is too much to say that a notary's clerk, without making the slightest enquiry, may send a notice to the post office, at the place where the bill was dated, when he could easily find out the proper address.

HON. MR. ABBOTT—I do not pretend to know the Ontario law as well as my hon. friend does, but I may inform the hon. gentlemen that the general practice has been to mail the notice to the place at which the bill is dated, unless there be an indication of another address. It is all very well in a small place, or where there is a small business, to say that the notary shall make enquiry where the parties are, but where business is transacted on a large scale it is not easy to find out where each party is to be addressed, when there may be, perhaps, a hundred notes to be protested on the same day. It might give rise to an immense loss of security.

HON. MR. SCOTT—The whole Bill is conceived in the interest of the banks. It is quite apparent on the face of it.

HON. MR. DRMMMOND—Would it not be well to put in the word "endorser" after the word "bill," in the 9th line, subsection 4?

HON. MR. ABBOTT—My hon. friend will perceive that the endorsation does not usually bear the name of the place where it is made, but the law expressly provides that if the endorser choose to name the place, then the notice must be sent to that place.

The clause was agreed to.

On clause 51,—

HON. MR. DRUMMOND—Why should there be any distinction made between the Province of Quebec and other Provinces in the noting and protestiug of an inland bill for non-acceptance and payment? I heard the opinion expressed within the last day or two, by a judge of the Province of Quebec, that it was injudicious and improper that there should be any distinction made. I submit that what is sufficient for one Province ought to be for the others.

HON. MR. POWER—I presume the secret of it is, that the notarial body is a very large and influential one in the Province of Quebec, and is also well represented in the House of Commons, and they have taken care that their fees shall not be taken away from them.

HON. MR. ABBOTT—The people of Quebec desire to have their law as it is, and it seems to me, as it is only a matter of procedure and not of law, it is desirable to keep it as it is. It is a process that their forefathers have been accustomed to for centuries; they wish to retain it, and I can see no objection to allowing them to do so.

HON. MR. PELLETIER—I must believe the hon. gentleman from Montreal when he says that a judge there expressed the opinion that there should be no difference in the law in the Province of Quebec and elsewhere; but I am sure that that judge does not represent the opinion of the Province or of the Bar of the Province. I remember an occasion when an attempt was made to have a change in the law of Quebec in this respect, and not only the members of the Bar, but the Bench also, were opposed to it.

HON. MR. KAULBACH—It is desirable to have the law uniform—not only the law but the procedure.

HON. MR. PELLETIER—Then make it as it is in Quebec, and we will have no objection to it.

HON. MR. BOLDUC—I have now heard for the first time that a judge has made objections to the practice in the Province of Quebec. I have, on many occasions, heard those gentlemen state that the commercial law of Quebec was the best that could be had anywhere. Our people are used to the law as it exists in the Province, and the slightest change would work very prejudicially against them.

HON. MR. RESSOR—Will the hon. gentleman explain why notarial fees are more than twice as high in the Province of Quebec as they are in the Province of Ontario?

HON. MR. BOLDUC—That is a matter of detail. I do not think they are double, but protests are not so numerous in our Province as in other Provinces, in consequence of the high notarial fees.

HON. MR. ABBOTT—My hon. friend will perceive that in Quebec the notarial profession is a learned profession by itself. In the other Provinces any one may be a notary; it is an incident generally to some other profession, and there is no reason for paying a high price for services which are almost mechanical. There is no reason for making the same charges in the

other Provinces that prevail in the Province of Quebec.

HON. MR. SCOTT—Will my hon. friend explain why those words are introdueed in clause 51—"but it shall not, except in the Province of Quebec, be necessary to note or protest any such bill in order to preserve the recourse against the drawer or endorser." How is the drawer or the endorser to be held unless he is notified?

HON. MR. ABBOTT—I put that question to those who drew the Bill, and the explanation is satisfactory to a certain extent. There is another clause in the Bill which provides that if an inland bill is dishonored notice must be given to the endorser and the drawer, but they do not insist on the formality of a protest. That is what is dispensed with in the practice in Ontario. Noting means notarial notation, which is completed by protest.

HON. MR. SCOTT—I think those words are simply confusing.

HON. MR. ABBOTT—I propose to add after the word "but," in the third line, "subject to the provisions of this Act with respect to motives of dishonor."

HON. MR. SCOTT—The clause means nothing, and should be struck out altogether.

HON. MR ABBOTT—This clause deals with the protesting of bills, and it says that inland bills need not be protested. I understand that that is the law in England, and it makes the law uniform throughout the Provinces, except the Province of Quebec.

HON. MR. REESOR—The notice of dishonor would not entail the expense of a notarial protest.

HON. MR. ABBOTT—It would not. The amendments I propose to make to this clause are, after the word "but," in the third line, to add "subject to the provisions of this Act with respect to notice of dishonor."

HON. MR. POWER—That is clear from the provisions of the Act.

HON. MR. ABBOTT—My theory about legislation is that we should endeavor to put it in such a form that persons will not be liable to be misled by it. I must confess that I was misled by this for some time, and imagined that the bill rendered it unnecessary to take any proceeding whatever with regard to inland bills of exchange, and one would naturally think so, reading the clause by itself. Therefore, as this amendment will make it quite clear, I think it will be better to adopt it.

The amendment was adopted.

HON. MR SANFORD—Do I understand that the portion referring to the Province of Quebec is struck out?

HON. MR. ABBOTT—No. Why should my hon. friend take such an interest in the Province of Quebec?

HON. MR. SANFORD—I take a considerable interest in the Province of Quebec. If this exception is permitted, anyone whose business extends to the Province of Quebec would have to keep in his employ somebody specially to watch these matters in that Province. We are legislating for the Dominion, and I cannot see why a law which is applicable to the other Provinces should not be suitable for the Province of Quebec. I am not alone in taking this view of it. Many who are doing business in different sections of Canada feel as I do on this question. If we have one uniform law for all the Provinces we will avoid serious mistakes and embarrassing losses.

HON. MR. ABBOTT—I hope my hon. friend will move that inland bills be protested notarially in other Provinces as well as in Quebec. I think it is a better system. There is really no change in the principle of the law whatever. It is only a minor proceeding, and I do not see why we should not indulge the Province of Quebec in this matter. I should like to know whether I am expressing correctly the feelings of representatives from Quebec in saying that they desire to retain this mode of procedure in the event of a bill being dishonored. I think it is hard to deny it to them, inasmuch as it does not materially affect the other Provinces.

HON. MR. DRUMMOND—It is quite impossible to say that a special regulation affecting Quebec does not affect other parts of the Dominion. In this case the notarial protest should be dispensed with if it is found unnecessary elsewhere. If the suggestion of the hon. leader of the House, that the other parts of the Dominion

should adopt this system of notorial protest, were to prevail, it seems to me that the tail would wag the dog. I am of opinion, not having any interest in notarial fees or legal expenses, that the parts of the clause referring specially to the Province of Quebec should be omitted.

HON. MR. KAULBACH—The object of this Bill is to harmonize the commercial law as far as possible throughout the Dominion. I do not see why Quebec could not come under the general law which applies to all the Dominion. Commercial law should prevail uniformly in all the Provinces, and I do not think that Quebec would be much opposed to such legislation.

HON. MR. POWER—This requirement, that not only shall notice be given by a holder of the bill, but that he shall go to a notary and get him to make an official protest, is simply a sort of trap to the unwary creditor, and I can readily understand that a business man residing in another Province, to whom an inland bill becomes due from some one in the Province of Quebec, and payable in that Province, may very likely be misled, may act upon the law as it is in his own Province and find afterwards that, according to the law of the Province of Quebec, he should have employed a notary and had the bill protested. There is a very serious objection to maintaining this exception in the bill. I cannot, for the life of me, see how a debtor in the Province of Quebec should feel aggrieved, because he will be relieved, if this provision is striken out, from the necessity of paying the notarial fees in addition to the amount of the bill. I quite agree that it will more or less diminish the emoluments of a very respectable class of the community in the Province of Quebec, but I do not know that we are just now bound to consider them, and the argument of the hon. gentleman that this has been the law in the Province of Quebec for a long time does not seem to have much force.

HON. MR. ABBOTT—Both of my hon. friends mistake the application of the theory they advance. They say that commercial law ought to be the same throughout the Dominion. The commercial law is made uniform by this Act; the obligations and remedies are the same throughout the whole of the Provinces; but in Quebec, if the parties are sued they are sued in a different manner from that which is recognized in the Province of Ontario. They are charged a smaller amount of costs considerably in the Province of Quebec than in Ontario, when they are sued. There are various other particulars which follow the dishonor of a bill, but the obligations of a party are the same. The same argument which my hon. friends use for the purpose of having the notarial system of Quebec upset as regards promissory notes would apply to proceedings before the courts.

HON. MR. POWER—We have nothing to do with that.

HON. MR. ABBOTT—When my hon. friends object to this provision with regard to protesting they are not objecting to any difference in the commercial law, but to a difference in procedure. If it is the desire, as I really think it is the almost unanimous desire, of the Province of Quebec, to preserve the existing procedure intact, we do not concede anything by allowing them to do so. If a man in another Province does not wish to pay two or three shillings more for a protest in the Province of Quebec he need not deal with anyone in Quebec. I do not suggest that there should be a cessation of commerce between the Provinces, because it costs more for a protest in Quebec than elsewhere, but while we claim that the law shall be the same as far as is practicable throughout the Dominion, I do not think that a slight change in the procedure is worth quarreling about. Quebec desires to keep its system of protest, and I think it would be seriously aggrieved if we were to take it away from them.

HON. MR. KAULBACH—If it is only a slight change of procedure, the gentlemen of the notarial profession in Quebec will be more ready to yield to the general law of the Dominion. We are here to legislate for the whole Dominion; to make an exception will only lead to confusion.

HON. MR. ABBOTT—This is not a change in the law; it is keeping the law as it is.

HON. MR. KAULBACH—But the object of this Bill is to make this law uniform, as far as possible.

HON. MR. LOUGHEED—It appears to me that this exception is extending to the

notarial profession of Quebec a consideration that is not shown to the professional men of the other Provinces. Consequently I think the same consideration should be extended to the members of the profession in the other Provinces.

HON. MR. KAULBACH—You would make the other Provinces subject to the law of Quebec?

HON. MR. LOUGHEED—I am strongly in favor of the suggestion thrown out by the leader of the House, that we should make the Quebec system uniform throughout the Dominion.

HON. MR. KAULBACH—Though I am a lawyer, I do not approve of that.

HON. MR. POWER—If there is a risk of destroying the Confederation we should not protest any further against this exception; but I think the leader of the House rather misrepresents the position taken by those who are opposed to his view. The opposition is not based chiefly on the fact that the fees of notaries in Quebec are higher than the fees of notaries elsewhere, but that certain things must be done in order that the holder of a note may recover on it in the Province of Quebec, and this difference makes a sort of trap for the holder.

HON. MR. SCOTT—I drew attention to the fact that it would be very much better if the law were uniform throughout the whole Dominion. I cannot, however, forget that the practice, in Ontario at all events, is that all inland bills are protested. The banks invariably protest—that is where 99 per cent. of the protests come from. If a man wants a bill protested he hands it in to a bank. Therefore I do not see very much after all in the exception in favor of Quebec. It only is important with respect to the amount of the fees charged.

HON. MR. ABBOTT—I do not understand sub-section (*b.*) It is as follows:—

"(*b.*) When a bill drawn, payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, or at a place in Canada situated not more than five miles therefrom, and no further presentment for payment to, or demand on, the drawee is necessary."

There must be some omission in that: it ought to apply to the case which actually occurs, that is, that if a bill is dishonored by non-acceptance then it should be protested for non-acceptance, and if by non-payment, then it should be protested for non-payment. The process which a bill goes through is this: it is presented to the drawer, and if he refuses to accept, it is protested for non-acceptance, and thereupon the holder immediately has an action against everybody whose name appears upon the bill to recover the amount of it; but why should he be put to the trouble and expense of protesting it again after he has gone through the process which makes everyone on the bill liable to the holder? There is no occasion for the expense of another protest.

HON. MR. HOWLAN—The ordinary course of business is to hold the bill until the time is up.

HON. MR. POIRIER—If a bill is presented and not accepted, it then and there becomes due—it has matured, and therefore it can be protested for non-payment.

HON. MR. ABBOTT—It can, but why?

HON. MR. POWER—I think a little more consideration still is due to this matter. Inasmuch as we are dealing with inland bills, if a bill is not paid then it must be protested at the place where it is expressly payable. I think perhaps the better way would be to let the clause stand over for further consideration. The English Act was drawn with great care, and we should be slow to depart from its terms.

HON. MR. ABBOTT—I do not understand why there should be any difficulty about adopting the proposition which I have made. Let us see how the parties all stand. A bill is drawn by Brown payable in Montreal. It is presented to this person in Kingston, say, and he refuses acceptance. It is protested or not protested, but in either case notice of dishonor must be given to every party on that day or the next day, or all recourse against the parties is lost. Then the next day everybody who is a party to the bill knows that it is not accepted, that it is dishonored, and that a right of action has accrued to the person who holds it to sue them all, which he can do without further notice or demand, and it is their business then to pay or not to pay it. If they do not pay it they subject themselves to an action. Since the

rights of all parties are complete, since the holder has right of action against everybody concerned, since everybody is aware that the bill has been dishonored, why should we force the holder to go through the further process of protesting the drawer and endorser, or anybody else for non-payment?

HON. MR. SCOTT—He is not bound to do it, but if he does it, then it must be at the place where it is payable.

HON. MR. ABBOTT—It may have been necessary to put such a clause in the English Act years ago, when it was passed. It may have been necessary, at that time, to hold the bill until it became due before it could be sued upon. That was the opinion when I came to the bar in Quebec, that you had to hold a bill until it became due, but that idea is exploded. If a bill is protested for non-acceptance a right of action accrues to the holder. The suggestion that I make is to insert the words "or non-payment" after "non-acceptance."

HON. MR. DRUMMOND—I would like to hear an explanation of the provisions of sub-section 6, that a Bill must be protested at the place where it is dishonored, or at some other place in Canada situate within five miles of the place of presentment and dishonor of such bill.

HON. MR. ABBOTT—It must be put of record and made an official act within a certain distance of the place. That is the reason that has been given to me in answer to that enquiry.

HON. MR. DRUMMOND.—Could it not be made available to cause a great deal of inconvenience to a merchant? For instance, the holder might actually prefer to go five miles from the place of presentment to protest it, in order to put the parties to inconvenience.

HON. MR. POWER—I imagine that the real object of it is to accommodate country merchants, where notaries are not to be found, perhaps, in the immediate vicinity.

HON. MR. ABBOTT—The protest consists in the filling up of a notarial form, and there can be no injury to any man in protesting a bill five miles from the place of its presentment, except to the man who gets it done, if he goes five miles outside of the city to get a notary to do it. I think the objections which have been made to this clause may be met by inserting after the word "payable," in the 44th line, the words "or where it requires to be presented for acceptance, as the case may be." That will compel the protest, whether for acceptance or payment, to be made within a reasonable distance of the place where the Bill is to be presented for acceptance.

HON. MR. POWER—Would it not be better to put it in this way—that it must be protested for non-acceptance and non-payment respectively.

HON. MR. ABBOTT—It would only lengthen the clause without making it more clear. It must be understood that it is either for non-payment or non-acceptance.

HON. MR. POWER—Then the better way would be to put the non-acceptance first.

HON. MR. ABBOTT—Perhaps it would be better, though virtually it amounts to the same thing. I shall alter the order of the wording on the hon. gentleman's suggestion.

The amendment was agreed to.

On clause 52, sub-section 2,—

HON. MR. ABBOTT—I am going to ask the committee to destroy the distinction to some extent between what is called a qualified acceptance and a general acceptance. I believe it is the law in some parts of the Dominion that an acceptor may accompany his acceptance by a statement that the bill is payable at a certain place.

HON. MR. SCOTT—That is an acceptance generally.

HON. MR. ABBOTT—Yes; that is an acceptance generally, and it is so defined in this Bill; but, if he adds the word "only," or some other equivalent phrase, then it is a qualified acceptance. If a bill is drawn on him, payable at the Bank of Montreal, it is a general acceptance, and the holder is bound to accept that form of acceptance, and every party to the bill remains bound on it; but if the acceptor adds the words "only" or "elsewhere," it is a qualified acceptance, and the holder cannot take it; if he does take it the endorsers are discharged. That seems to me

an absolute absurdity, that when a man says "I will pay this bill at the Bank of Montreal" the holder of the bill is bound to take that, and he does not discharge the drawer or endorsers, but if he adds the word "only" the endorsers are not held. By these two clauses, if you say a bill is payable at the Bank of Montreal you need not present it there, but the acceptor remains liable without any presentation; but if it is payable at the Bank of Montreal only and not elsewhere, then you can present it there, not necessarily on the day it matures, but when you like. I propose to amend the Bill to provide that if the acceptor names a place of payment in the bill it must be presented there for payment. Under this system, if a man in his acceptance says where he will pay the bill it has got to be presented there, but the non-presentation does not relieve him, nor does it relieve anybody else as endorsers; but if the holder chooses to sue him without presenting it where he promised to present it, then he runs the risk of paying the costs. That seems to me to be absolutely just, simple, and convenient in all respects. If the holder puts the acceptor to undue cost by sueing him at one place when provision is made for payment at another place, he sues at his own risk, and the costs are in the discretion of the court.

HON. MR. SCOTT—Section 52 only relates to the person that is ultimately liable on the bill.

HON. MR. KAULBACH—In Nova Scotia the endorser of a bill is not relieved from his responsibility by the acceptor saying that he will pay it at his own office. It does not relieve either the drawer or endorser; but if he says "payable at my office and not elsewhere," then it is taken at the party's risk that the endorser may be relieved. I know of no case in our Province in which the acceptor could be sued unless the Bill is presented to him for payment.

The clause was agreed to as amended.

On clause 60,—

HON. MR. DRUMMOND—Clause 60 in the Bill as originally drawn is entirely different from clause 60 now before us, and it created a great deal of excitement amongst bankers. That clause was struck out in the Commons, though it existed in the English law, upon which this Bill has been modelled. It provided:

"When a bill payable to order on demand is drawn on a bank, and the bank on which it is drawn pays the bill in good faith, and in the ordinary course of business, it is not incumbent on the bank to show that the indorsement of the payee or any subsequent indorsement was made by or under the authority of the person whose indorsement it purports to be, and the bank is deemed to have paid the bill in due course, although such indorsement has been forged or made without authority.

As far as the mercantile community is concerned, the Montreal Board of Trade objected to this clause, but I have received a great many communications from bankers expressing strongly their objection to this clause being struck out, and claiming that as the Bill is a copy, to a large extent, of the English law, there is no valid reason for departing from English practice and striking out this clause. They principally dwelt on the inconvenience to which it subjects a large portion of the public, because if the bank is liable for any indorsement, whether they are familiar with it or not, of course the identity of the party to whom the bill is payable is a necessity for the bank to ascertain. I hold here an immense number of opinions given by agents of banks and others throughout the country, that if this clause is struck out and the bank is held responsible for signatures and indorsements for which it has no sufficient means of information or identification, that they will be compelled, in self-defence, to put a great many people to inconvenience in respect to it. Under these circumstances, I think I ought to move that clause 60, as it appeared in the original bill, should be reinstated in this bill.

HON. MR. KAULBACH—I really do not see why the bank should not be responsible. If a bill is forged, I think it is the duty of the bank to take care that they do not pay it. They generally require a person who presents a cheque at a bank to find some one to identify him. The banks are well paid for all this trouble, and should be careful of what they are about. If you relieve the banks of responsibility they will take any paper that may be presented. It would open up a multiplicity of means of defrauding the public. The bank must take care of itself and know the person to whom it pays money.

HON. MR. ABBOTT—There are two illustrations in the English Act quoted

which seem to me to suffice as to the argument against this clause. These illustrations are as follows:

"1. A cheque is drawn payable to C. or order. It is stolen, and C.'s indorsement is forged by the thief. The bankers on whom it is drawn pay it. They can debit the drawer's account with the amount of the cheque.

"2. A cheque is drawn payable to C.'s order, and handed to an agent of C.'s in payment of a debt due to C. The agent, who has no authority to indorse cheques, indorses it "per proc." for C., obtains payment and keeps the money. The loss falls on C. He has no remedy against the drawer or the bankers."

He has no remedy. That is the state of things which this clause would produce. The only argument against it, and it is an argument that has some weight, is that it is a serious inconvenience to the banks to be made responsible for the genuineness of the endorsement on a bill presented to them for payment. The endorsement on that bill is one that the drawer does not see at all. He requests the bank to pay out of his money to John Smith five hundred pounds; the bank pays it to John Jones in reality. How can it be said that they are fulfilling their obligation to him when they take his money and give it to another man? If they do not know the endorsement, of course it is their interest to verify it in some way, and my experience is that they always do so. I have had a bank account for forty years, and occasionally a person receiving a cheque from me has come back to me to be identified. I write my name on the back of the cheque and that suffices. To allow this other clause to become law would open the door for frauds of every description. A cheque could not be left where an office boy or anybody else could get at it. You could not send a cheque by post to pay an account—you could not give a cheque without getting a receipt for it. You would run the chance of any beggar on the street picking up a cheque and putting his name on it, and the banks paying it without hesitation. The money would be paid away contrary to the instructions of the owner, and without any opportunity for the person who owned the money to protect his interests. I am pulled both ways in this matter. I have something to do with the banks myself, but I cannot recognize the justice of this proposition, and I think the House was right in striking it from the Bill.

HON. MR. DRUMMOND—Is it not peculiar that in this particular the House should depart from the English Act, which has been followed in every other feature? That is an anomaly which requires some explanation. I might trouble the House with a short paragraph from a communication which I have received. My informant says:

"From experience I am certain there is no part of our dealings with the public that causes so much exasperation and so much positive inconvenience to the public as the fact that banks are responsible for the endorsements upon cheques. In order to protect ourselves, we must see that the party who presents the cheque, or by whom it purports to be endorsed, is the real payee, and in order to do this we are constantly obliged to refuse payment until the public, very often at great inconvenience, are compelled to bring parties to the bank, not only whom they know but whom we know, to identify them.

"I imagine that if a statement of the kind were sought it would be found that not one case in 5,000 is a cheque presented but by the party actually entitled to receive the money; yet it is quite likely that of that number we would call upon 250 to be properly identified to us.

"This is a serious inconvenience when men are in a hurry and especially when they are strangers.

"This is the disadvantage of it to the public. To the bank it is serious in another way.

"The liability of banks for endorsements has been abused, inasmuch as many men now use bank cheques as receipts for money, knowing well that on the bank is thrown the responsibility of seeing that the money is actually paid to the proper person. They take little heed, therefore, to examine their passbooks and cheques when surrendered to them, to satisfy themselves as to the genuineness of the endorsements, and owing to this, after a lapse of many years, a bank might be called upon to refund money to a party who, if he had taken care to satisfy himself at the proper time, would have detected the fraud.

"We take every possible care to surrender customers their cheques and get confirmation from them that their account is correct in our books, but it has been held that this is no protection to the banks against the fraud of a forged endorsement, and certainly we should have protection of some kind."

Now I can quite see, on the face of it, that it is a great convenience to the public that this clause should be struck out, but it is the practice of banks, in judging of the proper endorsation on cheques especially, to leave it to a junior clerk, to whom they pay two or three hundred dollars a year, and, as a matter of fact, if you make your cheques payable to a certain firm you throw the onus of proving the payment on the banks, you being the only party knowing them to be entitled to it. If it be the fact that in drafting this Bill clause 60 was for good reason inserted, I cannot see that it can be rejected summarily now.

HON. MR. POWER—In connection with this clause, the matter was very fully discussed in the House of Commons, where the feeling was overwhelmingly against the

retention of the draft clause which the hon. gentleman now desires to have inserted in the Bill, and although it is perfectly true that we should, as a rule, follow as nearly as we can the English law, still, if the English law is in itself not applicable to our condition, I do not think we are bound to adopt it. If hon. gentlemen will look at clause 24 of this Bill they will find that the clause which the hon. gentleman wishes to insert is an exception to the general principle governing the Bill. The general rule is, that the holder is responsible, and I do not see why an exception should be made in favor of the banks. They have facilities and skill which enable them to protect themselves better than others could.

HON. MR. OGILVIE—If that clause were adopted, it would be unsafe to send cheques payable to order anywhere, as is now done all over the country; because, if a letter were to get into other hands, and the endorsation of the cheque were forged, the fraud could not be discovered, because the payment would be in another city altogether.

The amendment was declared lost.

HON. MR. DRUMMOND—I think it ought to be clearly understood that the bank has a legal right—I have heard it questioned—to take precautions to satisfy itself as to the validity of signatures and endorsements. If the banks cannot exercise due and proper care, and are responsible, as this Bill makes them, I think it is necessary to insert in the Bill something giving the banks the absolute right to require identification in every case, and perhaps some of the lawyers in the House will say whether that is requisite or not. If there is not a clear opinion on that point I shall feel it necessary to divide the committee on a clause conferring on the bank the power of absolutely identifying the signatures and a certain limit of responsibility—a period beyond which the responsibility does not extend.

The clause was adopted.

HON. MR. MCCLELAN, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

BILLS INTRODUCED.

Bill (Y) "An Act respecting the Reckoning of Time." (Mr. MacInnes, Burlington).

Bill (Z) "An Act respecting Railways." (Mr. Abbott).

HON. MR. POWER—I presume that is substantially the same Bill that was introduced by the hon. gentleman from Monck and defeated in the other House. Have the Government repented of their action?

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Friday, April 11th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (91) "An Act to grant certain powers to the Chambly Manufacturing Company." (Mr. Pelletier).

REPORTED FROM COMMITTEE.

Bill (89) "An Act to amend the Act to incorporate the River Detroit Railway Bridge Company." (Mr. McKindsey).

PONTIAC AND PACIFIC JUNCTION RAILWAY CO.'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (87) "An Act respecting the Pontiac and Pacific Junction Railway Company," without any amendment. He said: A member of the committee stated that it was his desire to move certain amendments to this Bill at this stage, and if he still persists in that determination I quite admit that he ought to have an opportunity, in order that he may do so, to give the necessary notice.

HON. MR. VIDAL—I shall avail myself of my unquestionable privilege to move the third reading of the Bill presently, leaving it to any hon. member to move whatever amendment he may think fit.

HON. MR. CLEMOW—I gave notice in committee this morning that I intended to move certain amendments to this Bill, and I thought it was necessary that I should give notice to that effect. That is the reason I do not approve of the motion submitted by the hon. gentleman from Sarnia, that the Bill be read the third time presently.

HON. MR. MILLER—As the hon. gentleman from Rideau division has stated in his place that he intends to move amendments to this Bill, I am sure it is the desire of the House that he should have the opportunity of doing so.

HON. MR. VIDAL—If it is the desire of the House I shall withdraw my motion, and move, instead, that the Bill be read the third time on Monday next.

The motion was agreed to.

SAMUEL MAY RELIEF BILL.

REPORTED FROM COMMITTEE.

HON. MR. HOWLAN, from the Committe on Standing Orders and Private Bills, reported Bill (16) "An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May," recommending its passage.

HON. MR. MACINNES (Burlington) moved that the Bill be read the third time on Wednesday next.

HON. MR. KAULBACH—I should like to ask the leader of the House whether he thinks it would be necessary to give notice of an amendment to this Bill for the protection of rights acquired since the lapse of this patent? I do not think that the promoters of this Bill intend that it shall cover the rights of those who have invested capital or commenced operations in this business under the impression that the patent had expired. If the leader of the House thinks the second clause is sufficient to cover any such rights I shall not move in the matter myself.

HON. MR. DICKEY—The third reading of the Bill is proposed for Wednesday next, and therefore it is open to the hon. gentleman to place a notice of his motion on the Paper.

HON. MR. KAULBACH—I have no intention of taking any action myself; I simply call the attention of the leader of the House to the subject.

HON. MR. ABBOTT—It was for the purpose of considering this question, and others connected with the Bill, that I asked my hon. friend to postpone the third reading until Wednesday next; but at the same time, I should be sorry that the House should put itself entirely into my hands in the matter if I might be of opinion that no amendment is necessary. I might be wrong; if so, it would not be the first time, and I suppose will not be the last time. If any member wishes to make an amendment he can give notice. It is my intention to examine the Bill and report on it, with a view of deciding what the Government will do when the third reading is moved on Wednesday next.

HON. MR. MACDONALD (B.C.)—In the committee to-day we had ample evidence before us that no new works had been commenced by any one. We are perfectly willing that this relief should be granted to Mr. May.

The motion was agreed to.

ELBOW RIVER WATER POWER CO.'S BILL.

MOTION.

HON. MR. LOUGHEED moved that the Bill to incorporate the Elbow River Water Power Company be recommitted to the Select Committee on Railways, Telegraphs and Harbors, for reconsideration. He said: I placed this notice on the Paper at the request of the corporators of the Bill. Mr. Davis, the member for Alberta, had charge of the Bill in the House of Commons, being at the same time one of the corporators. The Bill was brought up and speeded in its reading for the purpose of allowing a delegation from Calgary to express their views before the Select Committee on Railways, Telegraphs and Harbors. The delegates from Calgary were heard *exparte*, Mr. Davis being then in Montreal. I was not prepared to express my views on the matter to the committee, Mr. Davis having all the plans and other information and knowledge respecting this Bill. I therefore asked the committee, on that occasion, to let the Bill stand until Mr. Davis returned from Montreal. The committee did not then expect to meet on the follow-

ing Thursday, which was the date of the adjournment, and in their wisdom (for I must assume was what assume they did they considered was wisely done though I might differ therefrom) they refused to let the matter stand until Mr. Davis returned. On his return to Ottawa he requested me to ask this honorable House to permit the Bill to be recommitted to the committee, so that he could express his views upon it. It seems to me that this consideration is involved in the motion, namely, when a promoter of a Bill brings it before a committee of the House he should be given an opportunity to explain to the committee the objects of the Bill. The committee on that occasion was not assisted by the representations which Mr. Davis could have made, and, I am disposed to think, had not placed before them that measure of information which it was their desire to have in connection with the measure. The Bill is evidently fraught with a certain amount of importance to its promoters and to the particular district in which it is the intention to carry on the operations referred to in the Bill.

I think hon. gentlemen present should take into consideration that in such a matter as this the public interests would be best served by hearing what the promoter of the Bill may have to say upon this particular question. I do not intend upon this occasion to deal with the merits or demerits of the Bill. I think this question should be taken into consideration entirely apart from that—that we should divest ourselves entirely of the view as to whether this Bill is possessed of merits or not, for this, I submit, cannot be very well considered on this occasion in the House, nor can it be done by hearing the *ex parte* views of delegates on one side; but the views of both parties should be presented before the committee. I therefore move the motion which has been placed upon the Paper, that this Bill be recommitted, for the purpose of hearing Mr. Davis on the matter, so that if his views should appear to be consonant with what might be deemed the public interest, that the measure should be restored to the Order Paper, so that it may come before this House again in due course.

HON. MR. DICKEY—My hon. friend says that he does not propose to go into the facts of this case, and he gives the House no ground on which he desires a reconsideration of this Bill. I do not, therefore, propose to go into the facts of the case at present, but I shall submit to hon. members a preliminary objection to this motion being entertained upon grounds which I think will recommend that proposition to the good sense of the House. My hon. friend has correctly stated that when the Bill came up from the House of Commons he asked as an indulgence that it should be read at once a first and second time, on the same day, and the rule was dispensed with, in order to accommodate the hon. gentleman; and the reason he gave for it at the time was, that the mayor and some of the corporation of Calgary were in attendance, for the purpose of opposing this Bill, and he desired to give them an early opportunity of appearing before the committee. In consequence of that they did appear; they were heard, plans were submitted, the whole question was gone into, and a very strong, almost a unanimous opinion was expressed against the Bill, and a report was, in consequence, submitted by me, as it was my duty to do, as chairman of the committee, to this effect:

"Your committee find that the preamble of the said Bill has not been proved to their satisfaction, and your committee have arrived at such decision on the ground that the passing of the said Bill would be against the public interest."

This was on the 26th March, and is signed by myself as chairman. On motion of myself, seconded by Hon. Mr. Power, that report was adopted by the House, and, therefore, there is an end of the Bill. My hon. friend does not propose to rescind the solemn action of the House, when they declared it was a Bill against the public interest—that the preamble had not been proved—but he proposes cooly to refer it back again to the Committee on Railways, Telegraphs and Harbors, although the House has solemnly disposed of it. In all good nature I will say that the committee scarcely ever meet without having new business to do, without being asked to reconsider business that they have already disposed of, and on which the House has sanctioned our action. Therefore, that ought to be a sufficient reason for the House not entertaining this motion at all. I am pefectly prepared to show by the most cogent reasons, if it is necessary, that this is a motion which should not be entertained—for the reasons that are given

in the report itself, and it is hardly worth while going into this discussion. As chairman of the committee I never shirk any work, and on behalf of my fellow members, I must object to asking them to entertain a subject which they have already considered at some length, and which the House has disposed of. I ask the opinion of the leader of the House on this question, because it concerns the practice of the Senate, and, in my opinion, it would be most unwise to reopen the matter.

HON. MR. SANFORD—I cannot agree with the views presented by the last speaker. The facts are these: The promoter of that Bill had not the opportunity of stating his case to the committee. Those who were opposed to it ventilated their views very freely, and the committee were necessarily biased in the report that they brought in. Surely when the promoter of the Bill was unavoidedly detained, had not an opportunity of stating his case, hon. gentlemen will permit the Bill to be referred back to the committee to allow him to state his views with regard to it. It is only a matter of justice and fair play. I certainly hope that the motion that the Bill be restored to the Order Paper be favorably considered by the House.

HON. MR. KAULBACH—It seems to me we have nothing before us; as that report has been confirmed we cannot send it back to the committee. The House has no longer possession of the Bill, and I do not see how we can revive it. I think it would be establishing a bad precedent if the motion of my hon. friend should be adopted. If we create such a precedent we will find persons at all stages of legislation asking that Bills be referred back to committee.

The motion was declared lost on a division.

THE CONSTITUTION OF THE SENATE.

MOTION POSTPONED.

The Order of the Day having been called,—

That an humble Address be presented to Her Most Gracious Majesty; praying for the amendment of the British North America Act, so that Senators shall, henceforward, as their seats become vacant, be appointed by Provincial Legislatures, the Crown to retain the right to the appointment of three or six additional Senators, as now exists under the Constitution.

HON. MR. MACDONALD (Cape Breton)—in the absence of Mr. POIRIER—moved that the Order of the Day be discharged, and that it stand as an order for Wednesday next.

HON. MR. KAULBACH—I think we are getting into a very vicious habit in this House of allowing gentlemen who place motions on the Order Paper to postpone them from time to time, sometimes for a month. A Bill must be either withdrawn or postponed in a certain way, and to allow notice of a motion of this kind to be given for a certain day, so that gentlemen may be prepared to discuss it on a certain day and vote upon it, is not in the public interest, and the House should not be treated in such a cavalier manner.

HON. MR. ABBOTT—I do not know that there is any limit to the will of the House in these matters. The House has a right, if it choose, to allow any hon. gentleman who puts a motion on the Paper to postpone its discussion, and I think I and others in the House are quite as much to blame, if there is blame anywhere, as the hon. gentleman in whose name the motion stands. The question is one of no inconsiderable importance, and every hon. gentleman has a right to bring up such questions and have them discussed, and in the present instance I know that several members of the House are desirous of speaking on this motion, and they thought the time fixed by the hon. gentleman was rather too short. It is at the request of several members of the Senate, amongst them myself, that this notice is postponed. I saw the hon. gentleman this morning, and suggested next Wednesday for his motion, and I understood him to agree to it, as we have the Promissory Notes Bill and the North-West Bill on Tuesday.

The motion was agreed to, and the Order of the Day was discharged.

BILL INTRODUCED.

Bill (129) "An Act to amend the Exchequer Court Act."

The Senate adjourned at 4 p. m.

THE SENATE.

Ottawa, Monday, April 14th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE PRINTING OF PARLIAMENT.

HON. MR. READ—Before the Orders of the Day are called, I would like to bring to the notice of the Government the delay in the printing of the Bills. There were nine Bills passed last week, and none of them are returned printed. I have made enquiries of the officials, and from them I understand the delay arose from the compositors having a half-holiday on Saturday.

HON. MR. ABBOTT—I shall certainly bring this matter to the notice of my colleague, the Secretary of State, and ask him what is the cause of the delay.

HON. MR. HAYTHORNE—I shall be glad to receive the instructions of the House with regard to the non-publication of the *Debates* of the Senate which occurred last Wednesday. It appears that a speech of one hon. gentleman, sent to him for revision, has not been corrected, and remains in his hands, and for that reason the *Debates* of that day is delayed, and I am appealed to as chairman by the clerk of the *Debates* Committee to know what to do. Is the printer to proceed with the publication and omit the hon. gentleman's speech, or is he to wait until he receives the corrections? That hon. gentleman is not in Ottawa at present, I understand (I allude to the hon. Senator from Burlington). If this House will please decide whether that debate is to be published without waiting for the hon. gentleman's speech, I shall feel more at ease about it.

HON. MR. KAULBACH—I do not see why there should be any delay at all. The reports of the few remarks that I make in the House are never given me to revise, and I do not want to look at them, and I do not see why any other gentleman should delay the publication of the *Debates*. Let it go in as it is, or omit it altogether.

HON. MR. MCINNES (B. C.)—I may say that a messenger from the Printing Bureau, on Friday last, brought a large envelope containing some printed matter to my room, and said it was addressed to Mr. McInnes, room No. 8. I told him that it was not for me; that I had made no speech in the Senate for sometime, and that I thought it was for my colleague from Burlington. However, as it was addressed to room No. 8, I opened it. When I saw it was a proof of my namesake's speech I gave it to the boy, and told him to go to room No. 9 with it. That may account for the speech not being returned to the Printing Bureau, and the delay in the printing.

HON. MR. POWER—This question as to the time which is to be taken by hon. gentlemen in correcting their speeches was under discussion before the committee, and the committee instructed the reporters that after the time for correcting speeches had elapsed speeches were to be published, whether corrected or not; and I do not see why the whole publication should be delayed because one hon. gentleman happens to be absent and neglects to revise his speech. As a rule, the speeches are reported with accuracy, and if any hon. gentleman wishes to make any material change in his speech he should at least make an effort to do so within the time which is appointed—that is to say, any time up to 10 o'clock on the evening on which the speech is delivered. It would be unreasonable to delay the whole publication because an hon. gentleman does not find it convenient to revise his speech within a proper time.

HON. MR. KAULBACH—It ought to be left entirely within the discretion of the reporters. If I recollect right, the speech in question was on irrigation in the North-West, and if that is the one, it did not require revision, because it was already written.

HON. MR. HAYTHORNE—Supposing the hon. gentleman's speech were omitted from the first issue of the *Debates* it could appear in the subsequent edition for the bound volume. I presume, therefore, it is the desire of the House that the *Debates* should be printed without waiting for the hon. gentleman's speech?

HON. MR. OGILVIE—We should not have the publication of our *Debates* kept back for any person's correction of speeches.

HON. MR. McINNES (B. C.) — They must have the hon. gentleman's speech down at the Printing Bureau in type-writing, as it was sent down by the reporters, so that there is no necessity for waiting for a corrected copy.

DETROIT RIVER RAILWAY BRIDGE CO.'S BILL.

THIRD READING.

The Order of the Day being called,— Third reading of Bill (89) "An Act to amend the Act to incorporate the River Detroit Winter Railway Bridge Company, and to change the name of the Company to 'The River Detroit Railway Bridge Company,'"

HON. MR. McKINDSEY moved that the Bill be not now read the third time, but that it be amended on page 2 by striking out from "3," in the first line, to "the," on the third line. He said: This alteration simply changes the third clause of the Bill. It makes the sub-section of clause 3 the third section, instead of the one in the former Act. It does not change the principle of the Bill, and therefore I presume there will be no objection to it. The change was suggested at the meeting of the committee by the senior member from Halifax, but was not accepted at that time. Since then it has been thought better to make the amendment, because it will simplify the matter and make the clause of the Bill more readily understood.

HON. MR. DICKEY—As this motion proposes substantially to correct a report of the committee of which I am chairman, I should like to explain to the House that this amendment asked for has not in any way arisen from any laches or want of attention on the part of the committee. The hon. member has himself stated that the attention of the promoter of the Bill was called to it by a member of the committee, who, I am bound to say, suffers very little to escape his notice. I also, as chairman, felt bound to press on the member and his counsel who had charge of the Bill the desirability of adopting some amendment of this kind in order to make the matter plain, but the promoter of the Bill and his counsel both insisted that there was no necessity whatever for the amendment. Of course, as chairman of the committee I could not urge the matter further. Neither did any member of the committee think it advisable to do so, as the promoter and his counsel had such a decided opinion on the matter. Consequently, we decided to report the Bill as we have done. This matter escaped the notice of the Railway Committee of the House of Commons and of the counsel employed to assist in procuring the legislation. I am very glad indeed that the amendment has been made, because it is eminently necessary, and I have no doubt that it will receive the immediate assent of the House of Commons.

HON. MR. McKINDSEY—The suggestion was made before the committee, but the effect of it scarcely appeared at the time. At all events, there was sufficient in the suggestion that was made to throw a doubt on the Bill. After considering the suggestion made by the senior member from Halifax it was thought better to propose this amendment, in order to put the matter right. It does not change the Bill in any way at all; I did not think it was necessary when I gave notice of this motion, but it is simply for the purpose of removing any doubt that might exist with respect to the matter, so that there may be no difficulty or trouble in raising the money for the work, it being an international matter.

HON. MR. POWER—I do not think that the motion which is made by the hon. promoter of the Bill will have the effect that he desires. The amendment to clause 3 of this Bill will make it read as follows:—

"The bridge shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and become null and void."

This Bill contains very few powers. Under the original charter the work should have been begun within three years, two of which have already expired. At the expiration of one year from this time the powers conferred by the original charter will expire, and the only powers that will be continued to the company will be those set forth in this Bill, which are almost none. The Bill provides that the bridge, instead of being built on a low level, shall be built on a high level, but all the powers with respect to the beginning of the work, borrowing powers and all the legislative machinery necessary, will cease to operate if the work is not begun within

one year from the passing of this Act and completed within three years. I do not think that that is the intention of the promoter of the Bill. At the same time it is only fair to say that the hon. gentleman who was in charge of the Bill was perfectly willing to accept the amendment suggested in the committee, but his wish was over-ridden by a majority of the committee. I also desire to call attention to the fact that in the second clause of this Bill there is what I look upon as being an ambiguity, which may lead to difficulty hereafter, so that, in my humble opinion, the better way would be to have the Bill referred back to the committee, to be amended generally. The first sub-clause of the second clause of the Bill begins as follows: "The bridge shall be a high-level bridge, and have not more than two piers located in the river, which piers shall not exceed each 40 feet at the surface of the water." Now, the Bill does not state 40 feet in what way. The intention is, I believe, that the pier shall not be more than 40 feet wide. When the company begin to construct the bridge they may, if they cover more than 40 superficial feet, be met with an injunction or some opposition which will interfere seriously with their enterprise. I think it would be wise to refer the Bill back to the committee and have it put into proper shape. It would be unwise to put the Bill through in its present imperfect shape to save a day now. The duty of this House is to correct hasty legislation from the other Chamber, and I think the wiser course would be to refer the Bill back to the committee.

HON. MR. MCKINDSEY — I do not think that my hon. friend is correct in saying that the majority of the committee were opposed to this amendment. I think otherwise; the majority said it was necessary, but the solicitor did not see the importance of it, and consequently the amendment was not made. What took place in the committee is probably not a proper subject of discussion in the Senate just now. The hon. gentleman spoke of the extension of time covered by this clause; that being embodied in this Bill as an original clause will extend the time as desired. Therefore, I can scarcely see how there is anything wrong in that clause. With respect to the 40 feet that the hon. gentleman referred to, I do not see how it is possible that the clause can be misunderstood, because the next sentence after the one he quoted describes that there shall be a clear water way between such piers of not less than 1,000 feet and one opening of not less than 750 feet on each side of the main opening, and they shall be so placed as to best accommodate the navigation of the river. Therefore, the essential element in this Bill is to protect the navigation of the river. I discussed this matter with the promoter of the Bill, and he appeared to be willing to accept the amendment that I now propose, and I do not feel at liberty to adopt any other suggestion.

HON. MR. VIDAL — The suggestion made by the hon. member from Halifax is a very important one in the interest of the Bill itself.

HON. MR. MCKINDSEY — What is the proposition?

HON. MR. POWER — That instead of making the amendment proposed, the Bill should be referred back to the committee, so as to have it put into proper shape. The committee will meet to-morrow, so that there need not be more than a day's delay.

HON. MR. MCKINDSEY — I want to know what the objection is.

HON. MR. POWER—I have no objection to the Bill; what I desire is, that the hon. gentleman should get it in the best form.

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

PONTIAC PACIFIC JUNCTION RAILWAY CO.'S BILL.

HON. MR. VIDAL moved the third reading of Bill (87) "An Act respecting the Pontiac Pacific Junction Railway Company." He said: It is not necessary generally that any explanation should be made at the third reading of a Bill of this kind; but in view of the circumstance that a notice has been given that certain amendments are to be proposed, I think it is desirable that I should express my opinion upon them as they are before the House. In the first place, I entirely and most heartily concur with every provision

expressed in these proposed amendments. What they contemplate doing is a thing that ought to be done. It is asking nothing that should not be granted. My objection is, that already on the Statute-book we have those things clearly and distinctly stated. In the charter of the company we have almost literally the same provision respecting this bridge, the only difference being that in the proposed amendments it is somewhat more expanded in words. I do not know that words could more fully and completely secure to the other roads desiring to use this bridge the privileges which they seek, and which are sought to be conferred on them by the passage of this amendment. My hon. friend from Ottawa must have overlooked this provision in the existing charter of the company, comprising as it does everything which is embodied in his proposed clause (A). In case of disagreement about right of way, etc., referred to in clause B, there most ample provision in the Railway Act itself. There is no necessity whatever in enacting them again in a private Bill of this kind. By the general Railway Act the Railway Committee of the Privy Council has power to inquire into, hear and determine any application, complaint or dispute respecting a variety of things which I shall not trouble the House by reading, but I do not know that any words could more fully convey to our minds the idea of absolute power to settle any difficulty which may possibly arise in connection with the Bill that is now before us. I think, therefore, it is very clearly and distinctly unnecessary that the Bill should be amended by the addition of these clauses, and if my hon. friend does not see his way clear to withdraw them I shall have to appeal to the House to sustain my view of the question. In the meantime, I move the third reading of the Bill.

HON. MR. KAULBACH—Is that the same amendment that was proposed before the committee? There was a proposition from the city of Ottawa asking that some clause be included, and I think it was a similar proposition to the one that we now have before us.

HON. MR. CLEMOW—There seems to have been a great deal of misconception with reference to this Bill, and as it affects another Bill which has passed this House to incorporate the Interprovincial Bridge Company, I will ask the indulgence of hon. gentlemen to review the question from its beginning, in order to show that as far as the Interprovincial Bridge Company are concerned, they have acted in perfectly good faith, and that they intend to carry out what must be admitted to be a project which will be of great service to the whole community and to the various roads desiring to use that bridge. I will commence be adverting to the fact that in 1880 an Act of incorporation was obtained by the Pontiac and Pacific Junction Railway Company for the construction of a road from the village of Aylmer, with power to bridge the Ottawa above, and no power to construct a bridge at or near Ottawa. The works were to be begun within two years and concluded within six years. The Act of 1882 gives power to bridge the Ottawa River at or near Ottawa from some convenient point on its line of railway between the eastern limit of Hull and the village of Aylmer, to connect with any line of railway running in or near Ottawa; also, power to build approaches, but no power to build any portion of the railway on the Ottawa side. It had also power to lease or sell the brldge to any of the three Governments or to the city of Ottawa, or to the city of Hull; also, power to unite with any company or companies in building the bridge and in working it, and to agree with any company as to its construction, management and use. The time for beginning the railway was extended to the 1st of September, 1883, and for completion until 1st September, 1888. There was no time limited for beginning or completing the bridge. The amendment of 1889 extends the time for the completion of the railway to Pembroke to the 1st of January, 1891, and in default all powers granted by former Acts are to cease as to the part of the railway then incomplete. The railway was not begun till after 1882. Aylmer was made the point of commencement. No portion of the road was built between Aylmer and Hull, and the company, had no authority to build a railway line from the Canadian Pacific Railway to the Ottawa, river on the Hull side, or from the bridge into the city of Ottawa, on the Ottawa side. The bridge charter was in existence for eight years, but nothing was done under it but prepare and deposit the plans. The Interprovincial Bridge Com-

pany gave notice of an application for a charter to bridge the Ottawa between Metcalfe square and ferry landing, St. Patrick street, and to build a railway up the canal. The following is their notice:—

"NOTICE is hereby given that application will be made at the next Session of the Parliament of Canada for an Act to incorporate a company for the purpose of constructing, maintaining and operating a bridge across the Ottawa river, from some point in the city of Ottawa, between Metcalfe square and the feny landing at the foot of St. Patrick street, to some point in the city of Hull, for railway, carriage, foot and passenger traffic purposes; with power to amalgamate with or enter into arrangements with a railway company or companies, or any corporation for the use of the bridge."

"A. FERGUSON,
"*Solicitor for the Applicants.*

"Dated 27th November, 1889."

On the 20th of December the Pontiac Pacific Junction Railway Company deposited plans at the Railway Department of a bridge across the Ottawa, and a railway up the canal, to which they received the following reply:—

"OTTAWA, 10th April, 1880.

"SIR,—In reply to your letter of the 10th instant, I am instructed to say that the plans of the bridge over the Ottawa river to be built by the Pontiac Pacific Junction Railway were received in the Department on the 20th of December last.

"I am, Sir,
"Your obedient servant,
"A. P. BRADLEY,
"*Secretary.*

"A. FERGUSON, Esq.,
"Barrister, &c. Ottawa."

On this, the Chief Engineer of Railways reports that the company has no authority to build any railway on the Ottawa side from the bridge. On the 14th of December, 1889, the Pontiac Pacific Junction Railway Co. gave notice that they would apply for na Act to extend the time for bridging and completing their railway for general traffic purposes, as follows:—

"The Pontiac Pacific Junction Railway Company hereby give notice that application will be made at the next Session of Parliament of Canada for—

"1. To extend the time for bridging the Ottawa river and for completing the said railway to Pembroke.

"2. To amend the Acts of the said company in relation to an issue of bonds by the said company, and to further declare and define the powers of the company as respects the same; and to divide the right of issue over different sections of the railway; and to reduce the amount of any issue over any section of the railway; and further to obtain authority to make a special issue of bonds on the bridge and its approaches over the Ottawa river, near the city of Ottawa; and further to enable the company to so construct its bridge over the Ottawa river between Hull and Ottawa as to make it available for ordinary traffic also, and for other purposes.

"H. LASSEY MALTBY,
"*Secretary.*"

It will be seen that no notice was given for power to build a railway up the canal. The Interprovincial Bridge Company's application was regular and went through the proper forms. The Pontiac Pacific Railway Company asked for certain amendments in the Interprovincial Company's Bill, and these were agreed to and put in, and the railway company asked that five or six names be put on the board of provisional directors. When the original Bill was introduced the incorporators were Mr. Booth, Mr. Magee, Mr. Chabot and myself—that is, the original application that was made for the purpose of obtaining a charter for the Interprovincial Bridge Co. At that time a conference of the different parties interested was held, and it was considered to the advantage of all parties that the various railway companies should be interested in the scheme and become incorporators with the Interprovincial Bridge Co. That was done, and at that time there were five names representing the Canada Atlantic Railway Co., seven names representing the Pontiac Pacific Junction Railway Company; three representing the Vaudreuil and Ottawa Railway Co., two representing the Morrisburg and New York; seven from the city of Ottawa, and three from the city of Hull. This gave the railways companies a total representation, on that board, of seventeen, as against ten of other parties interested. At that time the originators and promoters of the bridge company imagined that all the difficulties were arranged; there was a perfect understanding that the bridge should be built as an independent work, and it should be used in common by all railways, present and future, and this arrangement should be conculsive. But by some influence or other another shuffle of the cards took place, and after this Bill was before the Private Bills Committee of the House of Commons that committee reported:

"The committee have also examined the notices given on the petition of the Pontiac Pacific Junction Railway Company for certain amendments to the Acts affecting the company, and find them sufficient for all the objects mentioned in the petition, except for the purpose of extending their line of railway to the Canal Basin, in the city of Ottawa, which was not mentioned in the notice."

In our own committee the petition of the railway company was considered, and was reported on to the Senate as follows:—

"Your committee also examined the petition of the Pontiac Pacific Junction Railway Company, pray-

ing for an Act amending the Acts affecting the said company; and find that the petitioners pray for leave to extend their railway into the city of Ottawa as far as the Canal Basin, of which no notice was given, but as it appears from their Bill now before Parliament that such powers are not asked for, your committee recommend that the notice be deemed sufficient.

"All which is respectfully submitted.

"GEORGE W. HOWLAN,
"*Chairman.*"

Therefore, it was considered that they had abandoned that portion of their Bill in accordance with the understanding come to by these two committees. We find, however, notwithstanding the understanding that was arrived at between the parties interested in the Pontiac and Pacific, and notwithstanding the solemn agreement entered into with the Interprovincial Bridge Company, they did incorporate into their charter, as clause 2, the following provision:—

"2. The company may extend its line of railway from the said bridge to the canal basin, in the city of Ottawa, by such route as is approved by the Governor in Council."

They have given no notice of that, as will be seen from the copy of the notice which they published. If the bridge company had imagined for a moment that the Pontiac Pacific Junction Company intended to prosecute their scheme, having the right for one year, until January next, they would certainly have abandoned the idea of obtaining a charter. But it was so fully understood between the parties representing the different interests that the interprovincial bridge should take the place of all others, and the bridge company having shown their earnest desire to meet the views of all parties, I think it would be in the interests of the community if their scheme prevailed. I want to put on record these various statements, in order that hereafter the blame may be attached to the proper parties for. I have doubt that these two charters will have no the effect of killing both schemes. I do not believe that any capitalists will be found willing or competent to go into either of these projects when they find there are rival charters. It was for the purpose of preventing that, and to have the assistance of all parties, that the Interprovincial Bridge Company was inaugurated to build an independent bridge. It is much easier for an independent bridge company to get assistance from the two Governments and the city than it would be if the scheme was in the hands of any one railway company. I may say that there was no intention upon the part of the promoters of the Pontiac and Pacific Junction Railway Company, until very recently—until they found that the Vaudreuil and Ottawa Railway and the Canada Atlantic Railway had obtained an advantage in getting to the Canal Basin—to secure an outlet to this side of the river, and they then set up their claim for a bridge over the Ottawa. If it had not been for that we would never have heard of them trying to build a bridge across the Ottawa, for they have enough to do to build their extension. I believe that the city of Ottawa is prepared to give every reasonable facility for railways to get into the city, but they desire that this bridge scheme shall be an independent route, not monopolized by any one company, and that the city shall be interested in it. I hold in my hand the certified copy of the Minutes passed by the Council of the city of Ottawa, in which they strongly advocate the incorporation of the Interprovincial Bridge Company, upon the ground that it is desirable that all these privileges should be within the control of the municipality. It was intended also to extend the operations of this company very materially. It was intended that they should not only have this bridge, but the approaches to it, and a Union station, and that they should acquire sufficient ground now, while it can be obtained at a reasonable price, to meet all future requirements for railway accommodation, and prevent the troubles that have been experienced in other parts of the Dominion. I am sorry to say that the action taken by the Pontiac Pacific Junction Company will have a disastrous effect on the whole scheme, and will render it impossible to have a Union station. I merely wish to put this on record, because I know that before the time expires within which this bridge is to be built there will be an application for a renewal of the charter, for it will be impossible to build within the time, on the assumption that two charters are in existence. The Pontiac Pacific Junction Company ask for only two years, though they have not yet reached the city of Hull, and by the time they reach Hull and build all these approaches it will take them much longer than two years. If they had carried out the agreement which was entered into in

good faith it is natural to suppose that with all the companies interested it would have been possible to get assistance from the three Governments and the city to enable them to build the bridge immediately. If the Pontiac Pacific Junction Company can build a bridge themselves and can give us the facilities offered by the Interprovincial Bridge Company I will be satisfied. We want a bridge that will be sufficient for public business, and which will be open to all railway companies. I have laid the facts before the House, and I do not believe that they can be controverted. It does seem to me, however, to be a violation of an agreement that should not be allowed. The amendments I propose will do not harm if inserted in the Bill, and they may do a great deal of good. They are copied from the Interprovincial Bridge Company's charter, and if it was right to insert them there it certainly cannot be wrong to insert them in the Bill now before us. I therefore move that the Bill be not now read the third time, but that it be amended by adding the following as clauses *A* and *B* :—

"*Clause A.*"

"So soon as the said bridge over the Ottawa river, at or near the city of Ottawa, is completed and ready for traffic, all trains of all railways connecting with the same, now constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, and in the use of the lines of railway of the company connecting therewith, so that no discrimination or preference in the passage of the said bridge and in the use of the lines of railway of the company connecting therewith, or in tariff rates for transportation, shall be made in favor of or against any railway whose trains or business pass over the said bridge."

"*Clause B.*"

"In case of any disagreement as to the rights of any railway whose trains or business pass over the bridge, and the lines of railway of the company connecting therewith, or as to the tariff rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council as provided in section eleven of '*The Railway Act.*'"

HON. MR. DICKEY—I do not think there can be any difficulty about this matter when I come to explain exactly how it stands. I do not enter into a discussion of the merits of the Bill at all, but with regard to this particular clause in amendment. My hon. friend who has charge of the Bill has very properly and fairly said that he does not object to these amendments; on the contrary, he thinks them perfectly right, but he says they exist already in the charter of this company. Now that is the point. This gives power to all railways connecting to have the same rights and privileges in the use of the said bridge. That power is given by the Act which has been read, and no other power as regards that part of the matter, and the reason of it is perfectly obvious: there is no power to enable other lines of railway to run their cars over the railway which this company is authorized to construct, connecting with the bridge, for the obvious reason that at that time the Pontiac Pacific Junction Railway had no power to build a railway on this side of the river at all to connect with other railways. They had only power to construct a bridge, but no power to construct a short railway, as they now have, around Nepean Point to connect with lines on this side. Therefore, they had not this additional power which I now read, "the same and equal rights and privileges in the passage of the said bridge and in the use of the lines of railway of the company connecting therewith." That is the material point, so that "no discrimination or preference in the passage of the said bridge and in the use of the lines of railway of the company connecting therewith, or in tariff rates for transportation, shall be made in favor of or against any railway whose trains or business pass over the said bridge." Gentlemen will see that if it is necessary to have any legislation with regard to the railway in connection with it, these amendments will be absolutely necessary, for the simple reason that they are not in the original charter clause at all: and as they are not in the clause it is right that they should be in the amendment, and it is necessary, for this reason. that the regulation of the powers for going over the bridge is perfectly futile and useless, unless you extend those powers to the railway which connects that bridge with the existing lines of railway. The House will see therefore that this is absolutely necessary. It would be in vain that you should leave them with a power which they, undoubtedly, possess under the charter, of having the same rights over the bridge when they have not the right of way over the railway to get to the bridge itself and to the lines on the other side of the river. That being plain, I think the House will have no difficulty in accepting

these two amendments, because they are in line with our legislation, and they are in accord with the provisions of the charter of this company. After this explanation I hope my hon. friends will be content to accept the amendment and let the Bill go.

HON. MR. VIDAL—I am not disposed to let the Bill go so easily especially as the hon. gentleman (Mr. Clemow) in his remarks did not touch one single point of the question before the House. He gave his own *ex parte* statement of a great variety of things which were presented before the committee. The committee heard all these statements.

HON. MR. CLEMOW—The House did not.

HON. MR. VIDAL—I said the committee heard all these statements—heard every thing that could be advanced in proof of them—heard and read all these documents, and the decision of that committee, by a very large majority, was that the Bill should be reported to the House without any amendment. The hon. gentleman has told us his motive for repeating his statements. He wishes to have them recorded in the official report. That is the object. It is not to convince the House. If he had acted consistently with his speech his motion would not be to make this amendment, but that the Bill should be read the third time this day six months. I do not think his statements, which were answered in the committee, should go upon the *Debates* without some remarks being made to show that they are not quite so straightforward and so correct as the House would be led to suppose. The hon. gentleman wished to create the impression that this charter had been in existence for eight years and nothing had been done under it. I wish to inform the House that some seventy miles of road has been built by that company.

HON. MR. CLEMOW—I was speaking of the bridge.

HON. MR. VIDAL—It is not a bridge company; it is the Pontiac Pacific Junction Railway Company that need the bridge as part of their line. They have built some seventy miles of road, and it has been in operation for years; and they have also constructed, ready for the laying of the rails, some twenty miles of another road up the Gatineau. The company has shown its *bona fides* in this way—that its road is a road which is in existence and in operation, and is entitled to get an extension of time, which has never been refused to any *bona fide* company by Parliament. The hon. gentleman says they did not have any right to make a bridge at first. That is so, but two years after they got their charter they found that a road without power to extend their line into Ontario was useless. The road could never be a success without access to the Ontario side of the river, and the building of the bridge is part of the scheme necessary to their existence. If the hon. gentleman will look into their charter as it exists, he will find that it speaks of the construction of approaches to the bridge. What does an approach on the Ottawa side mean but a short line in Ontario, and no objection for want of specific notice was made in the House of Commons. This objection was not sustained when it was before our committee, because it was considered that the very fact of having the right to make the bridge was sufficient notice that the railway had to be made on this side to get to it. And then, again, why is a notice required to be given for the construction of a line of railway? Is it not in order that the proprietors of the land through which the line is to pass, and of the adjacent lands, shall have notice of it to enable them to guard their rights? Now, it so happens that the whole of this land through which the line is to pass is owned by the Government; and the Government have had notice of it, because they have had plans of the bridge since December last in their possession and raised no objection. I think, therefore, that the objection as to want of notice has no force. A great deal has been said about the understanding between the respective companies. My hon. friend has been misinformed or misled on that point. There was no such thing as an understanding come to on the part of the Pontiac Pacific Junction Railway Company. There was no one authorized to make such an arrangement for it at any meeting of the directors. They regarded their interests as protected by the fact of a number of their directors being put on the Board of the Interprovincial Bridge Company. For what purpose? In order that there should be, as I hope there will be, an

amalgamation of the two companies, which will secure the building of that bridge. I do not at all share the idea of my hon. friend that this Bill will have the effect of stopping the building of the bridge. The bridge must be built, even if the company had to do it without assistance. When the alamgamation takes place, as I believe it will, I am under the impression that the city of Ottawa, the Quebec authorities, the Ontario Government, and the Dominion authorities, will all contribute to the construction of that important work. In this way the passage of the Bill will secure the result without the necessity of making the alterations. The hon. member from Amherst attaches importance to the fact that nothing is said about running powers, but surely any agreement to permit trains to pass over the bridge must include in it the power to use the roads leading to the bridge. I think there is a clause in the Railway Act which authorizes companies to make such traffic arrangements; there is no difficulty at all on that score. I do not think it wise that I should enter fully into the statements made by the hon. member for Rideau division, because I think it was scarcely fair to the House that they should be presented as they were. I have shown the *bona fides* of this company and that the proposed amendments are totally unnecessary—that the public interests and those of other railways are protected by the provisions of the Railway Act and by the existing charter of the company. I trust, therefore, that the amendments will be rejected and that the House will consent to the third reading of the Bill as it stands.

HON. MR. HOWLAN—When this Bill came before the Standing Orders Committee there was no proper notice given that such an Act should pass. The matter was before the committee, and we reported that, not having such a clause as this, the Bill should pass. Therefore, if the power which is now sought had been in the Bill when it was before the committee we would not have accepted it because there was no notice. It is, in my judgment, smuggled into the Bill. That is the way the matter occurs to me. I have not the remotest doubt in my mind that if this clause had been in the Bill when it came before us it would not have passed through our committee.

HON. MR. OGILVIE—The hon. member from Rideau division laid great stress, both in the committee and here, upon the fact that the Pontiac Pacific Junction Railway Company had done nothing—had not made an attempt to build the road between Aylmer and Ottawa.

HON. MR. CLEMOW—I said with respect to building the bridge, not the railway.

HON. MR. OGILVIE—The bridge and the railway.

HON. MR. CLEMOW—My reference was entirely to the bridge.

HON. MR. OGILVIE—I have a distinct recollection of hearing him say both the bridge and the railway, in the committee.

HON. MR. CLEMOW—The hon. member is mistaken.

HON. MR. OGILVIE—There is an understanding that as soon as the proper papers are passed the Pontiac Pacific Junction Railway Company will acquire the branch between Aylmer and Ottawa. So far as the amendments are concerned, everything that could be accomplished by them is in the Bill and the general Railway Act. That being the case, I think it would be a pity to adopt amendments which will be perfectly useless. I hope the House will pass the Bill, as the committee did, almost unanimously, and without amendment.

HON. MR. VIDAL—I would call attention to the fact that the proposed clause "A" will entitle any and every company to go over, not only the bridge and its approaches, but the whole line of the Pontiac Pacific Junction Railway. Surely that is not a privilege which should be conferred.

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

CONTENTS:

Hon. Messrs.

Archibald,	McClelan,
Boucherville, de,	McKay,
Clemow,	Merner,
Dever,	Pâquet,
Dickey,	Perley,
Glasier,	Power,
Haythorne,	Prowse,
Howlan,	Read (Quinté),
Kaulbach,	Scott.—19.
Lewin,	

NON-CONTENTS:

Hon. Messrs.

Abbott,	Odell,
Bolduc,	Ogilvie,
DeBlois,	Robitaille,
Drummond,	Ross,
Lougheed,	Sanford,
McDonald (C.B.),	Smith,
Macdonald (B.C.),	Stevens,
Montgomery,	Sutherland,
Murphy,	Vidal.—18.

The Bill was then read the third time, as amended, and passed.

INTEREST ACT AMENDMENT BILL.

THIRD READING.

HON. MR. ABBOTT moved the adoption of the amendments made in Committee of the Whole to Bill (X) "An Act to amend Cap. 127 of the Revised Statutes, intituled: 'An Act respecting Interest.'"

HON. MR. DEVER—I wish to make a few remarks in explanation of what happened on the second reading of this Bill. I expressed the opinion at that time that in New Brunswick money was as free as other commodities in the market, to bring whatever interest might be settled upon in writing, and that where there was no understanding as to interest the legal rate should be 6 per cent. On that point I was flatly contradicted. I was told that the rate of interest in New Brunswick was fixed by Act of Parliament at 6 per cent. I had not at that time the knowledge of the Act that the hon. member had, he being an active legal member of the House and a practising lawyer in Nova Scotia, and though my memory was pretty clear on the matter I submitted to the contradiction. As I was the member of the Senate who introduced the measure in this House abolishing the usury laws in New Brunswick, and one of the present judges in New Brunswick had promoted that Bill in the House of Commons, I felt that I was right; but to make sure of it I procured the Act, and I find it at page 1693 of the Revised Statutes of Canada confirming my statement. There are five sections relating to New Brunswick which fix the rate, and one of those sections refers to banks and incorporated companies. It was this section which the hon. member quoted against me to show that I was wrong. That section fixes the rate for banking houses and chartered companies, but private individuals can take any rate of interest agreed upon.

HON. MR. KAULBACH—The law of New Brunswick relating to interest is the same law that applies to the whole Dominion. The usuary laws are abolished altogether.

HON. MR. POWER—I am happy to be able to agree with the hon. gentleman from St. John, that he was right and I was wrong. I do not propose to say anything more on that, but I wish to speak as to the amendment which is now before us. It proposes to repeal sections 6, 10 and 11 of the chapter respecting interest. These sections refer to the Provinces of Ontario and Quebec, and I think the attention of hon. gentlemen from those Provinces should be directed to the effect of them. Under section 10 no higher rate of interest than 6 per cent. is to be taken by any corporation, except a bank, for a loan of money, and under section 11 all bonds, bills, promissory notes, contracts, assurances, and so on, executed in violation of the provision of section 10, reserving a greater rate of interest than 6 per cent., shall be void. I think that that is an unwise amendment, and that the same provision should be made with respect to Ontario and Quebec as has been made with respect to Nova Scotia—the instruments are not void, but the holder cannot recover more than the legal rate of interest. Under this amendment, hereafter any corporation, company, or association of persons in Ontario and Quebec can take any rate of interest that the borrower and lender may agree upon. While that may be only a slightly objectionable provision as regards individuals, when it comes to the case of corporations and companies it is very objectionable indeed. As things stand to-day, 6 per cent. is a very high rate of interest, and I do not think that any borrower should be put in the position of being obliged, under any circumstances, to pay a higher rate. The lenders of money can take care of themselves, but Parliament should protect the borrowers. Of course, if the representatives from Ontario and Quebec have fully considered the effect of this amendment I have nothing further to say, but it seems that hon. gentlemen who are not willing to have free trade in other commodities desire to have it in money.

HON. MR. KAULBACH—I cannot see why the House should make a distinction

between the different Provinces. There is no such difference in the value of money as to make it necessary that there should be one law for the Lower Provinces and another for Ontario and Quebec.

HON. MR. POWER—There is a limit to the rate in Nova Scotia, but if this Bill passes there will be none in Ontario and Quebec.

HON. MR. ABBOTT—The reason for making this apply only to Ontario and Quebec is that the clauses which are repealed apply only to those Provinces. Section 10 ought never to have been in the Statutes at all. In point of fact, interest is free in Ontario and Quebec. There are some very limited restrictions on it which this law does not touch. This section 10 being there is an entire mistake, and, as it happens, it has no effect at all. My hon. friend from Nova Scotia takes the ground that money ought to be restricted, but this Parliament has adopted the doctrine that it ought not to be restricted, and I do not think that it would be wise to leave on the Statute-book a section which is entirely inconsistent with the law and which is practically a dead letter.

The motion was agreed to, and the Bill, as amended, was then read a third time, and passed.

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes."

(In the Committee.)

Clause 79 was allowed to stand.

On clause 83,—

HON. MR. SCOTT—This is a peculiar clause. A man makes a note to a devisee, for instance, who puts it in his box and dies without presenting it. How is it under that clause? Is the estate bound?

HON. MR. ABBOTT—It is not an obligation at all until it is delivered to somebody; but he may devise it by will if he choose. I think it is necessary under the present system to deliver to make it obligatory.

HON. MR. DICKEY—A question may arise hereafter as to whether it is not necessary to prove delivery in order to make the note good, and that might be a very embarrassing proceeding.

HON. MR. ABBOTT—No doubt, my hon. friend having drawn and maintained a thousand actions on promissory notes, always alleges delivery, and possession of the note has always been held as being *prima facie* evidence of delivery.

The clause was agreed to.

On clause 86,—

HON. MR. ABBOTT—This clause is inconsistent with the corresponding clause in the law relating to the acceptance of bills.

HON. MR. SCOTT—It is a total innovation of the law of Ontario as it now stands.

HON. MR. ABBOTT—I think it is an innovation of the law of the Dominion. The first clause deals with the maker, the second clause deals with the endorser, and in order to hold the endorser you must present the note for payment.

HON. MR. SCOTT—If it has to be presented it involves proof, and if an action was brought evidence has to be given that the note has been presented.

HON. MR. ABBOTT—That only applies to a note made payable at a particular place.

HON. MR. SCOTT—As a general rule, notes are made payable at a particular place, but this clause involves proof that the holder ought not to be called upon to make in court. It involves a notarial proof, otherwise you will have at trial to call a witness to swear that the note was presented at the particular place.

HON. MR. ABBOTT—Business men usually make provision at their bankers for the payment of their notes. A business man may be out of town, but leaves money at a particular bank where he promised to pay the note. Surely it is no obligation on the holder of a note to make him present it at the place where the maker promised to pay it.

HON. MR. POWER—It seems to me that the argument of the leader of the House is a perfectly satisfactory one. It

is limited to the case of where the place of payment is named in the body of the note.

The clause was allowed to stand.

On clause 88,—

HON. MR. DRUMMOND—This brings up the question of Quebec again.

HON. MR. ABBOTT—There are two points in this clause which I think require our consideration. My attention was called in the early part of the discussion of this Bill to the obligation which is imposed on the person who gives a Bill for a patent right to stamp something upon it or write something across it, and the question was raised whether that would apply to a note, and I am under the impression that it would not. The rule would, but the penalty or provision for punishing the maker of the bill would not apply to the maker of a note, and I propose to alter the original clause by adding the words "promissory note" to that.

HON. MR. SCOTT—I had another amendment which I think ought to be added at the end of that clause, where the party offending commits a misdemeanor and is liable to a penalty. I intended to add this amendment: "And such a person so offending shall have no claim against the acceptor or maker." It is not right that a man who commits an offence against the law of the country as a misdemeanor should be able to take advantage of it.

HON. MR ABBOTT—I think what my hon. friend says is reasonable. I will look into it. Then I do not understand why it is under this clause that a foreign note being dishonored should not be protested, more especially in respect of the endorsers. I do not see how we are to get at the endorsers if we do not protest the note, and I would move to strike out the words "except in the Province of Quebec," and add these words: "except for the preservation of the liability of endorsers."

HON. MR. POWER—Why should you make it more difficult to recover if the endorsers have notice?

HON. MR. SCOTT—Because it is proof. It carries with it its own proof.

HON. MR. POWER—If the creditor or holder of the note does not think it necessary to get that proof, why should you say it shall be necessary? It is not the English law. If the holder runs the risk of not being able to prove his claim, why should we go further?

The amendment was agreed to.

HON. MR. McCLELAN, from the committee, reported that they had made some progress, and asked leave to sit again, on Thursday next.

The report was received.

The Senate adjourned at 6 p. m.

THE SENATE.

Ottawa, Tuesday, April 15th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

CENTRAL ONTARIO RAILWAY CO.'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported (Bill 86) "An Act respecting the Central Ontario Railway Company," with an amendment. He said: This Bill is an amending Act, providing for a readjustment of the bonding powers, which were respectively $20,000 and $30,000 a mile, under certain circumstances. The last clause provides that the new bonds shall be a security on the whole railway property. The amendment is to this effect: that until these bonds are exchanged for the old bonds, the latter shall continue to remain a first charge upon the property secured by the mortgage. This amendment has received the consent of the promoter of this Bill, and as it is in the interests of the bondholders and for the preservation of vested rights, I see no objection whatever to the amendment.

HON. MR. READ moved that the amendment be concurred in.

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

SASKATCHEWAN RAILWAY AND MINING CO.'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported (Bill 34) "An Act to incorporate the Saskatchewan Railway and Mining Company," with an amendment. He said: This Bill professes to enlarge the scope of the powers of the railway by extending it from a place called Saskatoon, on the South Saskatchewan River, to the North Saskatchewan River, and ultimately to a connection with the proposed line to the Hudson Bay. In that direction, the first place it strikes, under this present Bill, is a place called Fort à la Corne. The amendment which is made, I may say, is of no possible interest to the public, but may be of great importance to the company. In the Bill it is stated that the line was run from Saskatoon to Fort à la Corne, and the amendment is that it shall go to a point at or near Fort à la Corne.

HON. MR. MACINNES (Burlington)—I understand the hon. gentleman to say that it crosses the South Saskatchewan, and goes to the North Saskatchewan. I think the intention is to keep on the south side of the South Saskatchewan to Fort à la Corne.

HON. MR. DICKEY—The hon. gentleman misunderstood me. I said the line was to extend from a place called Saskatoon, on the South Saskatchewan, to Fort à la Corne.

HON. MR. MACINNES—There is another railway from Saskatoon, between the two rivers, on the north side of the South Saskatchewan and on the south side of the North Saskatchewan, proceeding direct to Prince Albert. According to the description which is given, this road will cross the South Saskatchewan and proceed between the two rivers to Prince Albert, and from there to Fort à la Corne. As I understood it in the committee, the intention was to keep on the south side of the South Saskatchewan, and to extend the road to Fort à la Corne without crossing the river.

HON. MR. DICKEY—That is what the Bill says.

HON. MR. READ moved that the amendment be concurred in.

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

IMPORTATION OF AMERICAN CATTLE FOR SLAUGHTER.

ENQUIRY.

HON. MR. READ (Quinté) rose to—

Enquire whether it is the intention of the Government to allow United States cattle to be brought into Canada to be slaughtered for exportation, without being subjected to the quarantine regulations that now exist?

He said: I may be excused for referring a second time this Session to this important subject. I think I will be excused when we come to consider the great interests involved at the present time in this section. In England their aim is not to check their food supply in any way by legislation, and at the same time to prevent disease by every possible means in their power, and when we know, as we now do by very recent information, that the Minister of Agriculture there has introduced a Bill in the British House of Commons providing that hereafter the expenses connected with stamping out cattle disease in England shall be borne by the Imperial exchequer instead of, as heretofore, by the counties in which it happens to exist, the importance of the step will be readily comprehended. Within the last three weeks, the first deputation (as will be seen by the March number of the *British Magazine*) waited upon the Government, claiming that where disease breaks out amongst cattle and the expense of meeting it has been borne by the county, it is not fair on behalf of the county if it breaks out in a contiguous county that they should be called upon to pay all the expenses, whereas every county in the vicinity is equally interested. The demand of the deputation was so reasonable that it received the assent of the Minister, and now the Bill is before the English Parliament, providing, amongst other things, that the expense of stamping out disease amongst cattle under such circumstances is to be borne by the national exchequer. When we consider the enormous losses that have been sustained in England through disease being imported from foreign countries, you can readily understand why the agriculturists of England should be very anxious that every effort shall be made to prevent cattle disease

from being brought to that country. On a previous occasion, when the rinderpest existed in England, the Government of Canada gave authority to certain gentlemen in this country to land sheep at a Canadian port without being quarantined, on the assumption that sheep would not convey the rinderpest. I took the matter up then in the interest of the country, and from evidence that I adduced I so satisfied the Government of the danger that the Order in Council was rescinded; they were shorn of their wool, and the wool was destroyed, because the authority that I then produced were so unquestionable on that point that there could not be any doubt that sheep, while they themselves were not subject to rinderpest, would convey it to other animals. It is proved in this manner: A number of cattle belonging to the Prince of Wales, that were very carefully attended and could not come in contact with other cattle, took the rinderpest. The investigation that was made discovered the fact that in the next field, with only a wire fence betwen them, sheep had been brought from Smithfield and pastured. The veterinaries concluded that the sheep had conveyed the disease to the cattle, because the cattle had not been near any highway and were isolated from all others. We all recollect the great losses that English agriculturists sustained from this disease. A friend of mine I know had his whole herd swept away with it, though he had taken great pains with them. They all died from this disease. The rinderpest was first brought to England by a shipment of 300 cattle from a port on the Black Sea, and it was only stamped out after the utmost vigilance. Now, we are brought face to face with another disease—pleuro-pneumonia. This disease exists in other countries as well as in England, and it is our duty to see that we do not bring it from England or any other country into Canada—that we most carefully quarantine any cattle brought into this country from all other countries for our own safety. According to the last census in this country there were of—

Working oxen	132,593
Cows	1,595,800
Other horned cattle	1,786,596
Total	3,514,989

The vast importance of this question can be readily seen. According to the law of natural increase, at the present time we may conclude that we have at least five million head of cattle in this country, and we know that they are absolutely free from infectious diseases. It is of the utmost importance to us that we should continue the same vigilance that we have heretofore exercised. When it was proposed to bring in cattle through our ports by those who are interested in the shipping of them to Europe, I believe the Government refused to allow it. Recently it has been proposed that the Government should allow cattle to be brought in from the United States to be slaughtered in Canada and the products shipped to foreign countries. That I object to, because disease may be brought in by that means, and I think that I can prove, before I sit down, that it is likely to be detrimental to the interests of the agriculturists of the country. When we see the enormous strides we have made in the exports of animals and their products, it will be readily seen how important it is that we should protect that industry. I have before me the British Statistical Report, giving a schedule of the importation of live cattle into England. For a considerable time every country was allowed to send cattle into England under certain conditions, but now cattle disease exists to such an extent that from Germany, France, Belgium and Holland the importation of cattle into England is entirely prohibited. Holland has no disease, but they are told they are contiguous to Germany, where disease exists, and consequently their cattle are prohibited from being imported into England. From Schleswig-Holstein, Portugal, the Netherlands and the United States cattle are allowed to be brought in and slaughtered at the port of entry within ten days after landing. From Sweden, Norway, Denmark, the Channel Islands and Canada, cattle can be landed and sent to local markets for sale and slaughter. That advantage to us to-day is fully 20 per cent. on the value of the animal when the producer has to sell it. When we come to consider that 20 per cent. is a fair profit we can easily see that if we are not alive to our own interests, that if we do not do every thing in our power to keep disease from amongst us, we will very soon find that Canada, like the United States, will be scheduled in British ports, and especially when the evidence goes to show that

although they schedule the United States the exports from that country to England increased between 1888 and 1889 over 120 per cent. The export in 1888 was 143,495 head, and in 1889 it had increased to 294,423 head. That would show the danger which we would have to face if we were obliged to compete with countries that are scheduled. I have here a schedule giving the imports of cattle into England from different countries in 1875 and 1888. It is as follows:—

Countries.	1875.	1888.	+ Increase. — Decrease.
Belgium	7,168	.....	— 7,168
Channel Islands	2,193	2,252	+ 69
Denmark	47,025	66,922	+ 19,897
France	9,025	.....	— 9,025
Germany	24,698	.....	— 24,698
Schleswig-Holstein	42,911	14,543	— 28,368
Netherlands	81,271	50,277	— 31,044
Norway	227	342	+ 115
Portugal	21,073	9,797	— 11,276
Spain	24,018	11,485	— 12,533
Sweden	4,542	16,144	+ 11,602
Canada	1,212	61,155	+ 59,943
United States	229	142,184	+141,885

The increase in the exports from Canada shows that we have great advantages in the English market, because we have a clean bill of health. So far as my information goes, we have no cattle disease in this country. The same remark applies to sheep. While sheep exported from the United States have to be slaughtered when they are landed in England, ours may be sent to any place in the United Kingdom alive, and this advantage gives us a profit of $2 or $3 a head more than if they were treated in the same way as the sheep exported from the neighboring country. The advantage that we derive from the existing regulations is between two and four pounds sterling per head on cattle. I call it three pounds per head, or fifteen dollars. There is not quite so much difference in the winter time, but the bulk of our exports is in the summer season. I am of the opinion that in the future one of our principal exports from this country will be dairy products. I am led to this conclusion by the fact that while the exports of cheese and butter from the United States last year amounted to $10,719,026, ours amounted to $10,651,790, or only $68,000 less than theirs. In twenty-four years, from being importers of cheese, we have become exporters to an extent which proves the suitability of our country and climate for the production of dairy products. We are in a good grass zone; we possess nutritious grasses, good water, and a climate adapted to the production of butter and cheese of the best quality. At the Centennial, and at various other expositions, our cheese took the highest prizes. We have succeeded in competing with the world in dairy products. England imported last year $50,000,000 worth of butter, and there is no reason why Canada should not try to capture a good share of that trade. Further, we see that Denmark, France and Sweden are putting up butter in tins for export to China: there is no reason why our farmers in the North-West, who are on the highway to China, and have exceptional natural advantages, should not compete for a portion of that trade. We have the very best advantages, and we should do all in our power to extend our trade. The Government have appointed Mr. Robertson, an excellent man for the position, to look out for markets and experiment with a view of producing articles adapted for the various markets of the world. I have no doubt that he will erect a model creamery and adopt the latest and most improved methods of producing dairy products, and thus further the great object which we have in view of developing this important industry. We know that pleuro-pneumonia is prevalent in Kentucky, Illinois, New York, Maryland, Pennsylvania, Delaware, Virginia, New Jersey, Massachussets, the District of Columbia and Connecticut. To stamp it out, the United States Government first appropriated $100,000. This was increased until it reached $500,000, and last year they appropriated $1,000,000 to eradicate the disease. I have here the report of the Animal Industries, from which I will quote, to show how detrimental this disease is to the cattle industry. Speaking of Kentucky, the writer says:

"This outbreak in Kentucky, by itself indicates the great superiority of a method which secures the prompt extirpation of the contagion over any temporizing measures, the effect of which is to preserve instead of to destroy it. As soon as pleuro-pneumonia was known to exist in Kentucky the other States of the Union quarantined against Kentucky cattle, and the enormous commerce in these animals was prostrated. The local quarantine measures were looked upon by the authorities of other States as an insufficient guarantee of the safety of

cattle from Kentucky, and therefore, no bovine animals were allowed admittance from there except under rigid and burdensome restrictions. These restrictions, maintained for nearly two years, are estimated to have caused a loss to the cattle breeders of the State of from $10,000,000 to $12,000,000, a loss which would have been entirely prevented if there had been authority for this Department to cause the prompt destruction of the infected herds when the plague was first discovered."

They go on to tell us here how many cattle were affected, how many were destroyed, and at what cost. They have another disease there which is called Texan fever. It does not seem to be so serious in the Texan cattle, but it is very fatal in other cattle affected by it. Other cattle take the fever from the Texan cattle, and this explains, to my mind, why we sold to the United States last year 37,000 head of cattle. We sold them because many feeders of animals were not prepared to run the risk of buying cattle that might be diseased, and they bought ours because they felt sure that they were sound. For these 37,000 head we received a little over $13 per head, which was a very low price. We sold the raw material for which we might have found a better market. I am inclined to think that we made no profit on them at all, and it would have paid us better to keep them. But a new disease has broken out in the United States among the cattle within the last two or three years. It is known as the cornstalk disease. Professor Burrill says that it cannot be stamped out in any way except by fire. He says it is caused by a microbe which is found on the corn stalk. The cattle eat it, and die in a very short time. He says:

"The disease in the growing corn may commence at any time during the warm season, frequently after the corn 'shoots;' very often it occurs only on patches in the fields. The corn fails to grow in the healthy parts. The lower leaves become yellowish green, then yellow, then wither away. Upon close examination spots will be seen—brown, watery-looking. These spots vary in size, from mere points to those of several inches across. In such diseased parts the microscopic organism, believed to cause the trouble, can be easily found. A feature of the disease readily noticed is that the roots are affected; they die and decay in the ground; the plant is easily pushed over, or pulled up from the hold it has. If the brown spots on the leaf sheaths be closely looked at, there will be seen little collections of gelatinous-like exudation. Crush a bit of this under a microscopical cover-glass, and examine with a high power, and the living organisms, to which we ascribe the disease, can be seen in innumerable numbers. Wherever such a disease has occurred, every stock and leaf on the field must be burnt, the field ploughed and put to another crop, or, better still, seeded down. Ploughing down the corn will only make matters worse. The disease is communicated to the cattle when diseased leaves, containing these microbes, are eaten. Medical treatment, in a curative sense, is the height of absurdity in any disease of this class, so some say; others recommend purgative doses of Glauber's salts to every member of a herd of which some have become ill. The herd must be carefully quarantined, and all the manure and litter destroyed by fire. It must be borne in mind that, if the manure from a cattle yard, where animals have had this disease, be put upon a field, ploughed in, and the field planted with corn, it is very liable to become invaded with the germ, and thus spread the disease. All such manure, and all animals which die, must be cremated—every particle burnt. No other remedy is known at present but fire, and that must be unsparingly used if the infection is to be checked.

"A farmer from Salina, Kansas, writes:—I have lost four head this winter of stalk disease. They die in from twenty-four to forty-eight hours after showing that they are sick. They groan pitifully, do not bloat, are not costive, but are somewhat laxative. They were salted the day they went on the stalk field and had free access to clean, fresh water. They were in the corn field three or four hours daily. On the fourth and fifth days one died each day. They were put on a fresh field. On the third and fourth mornings two more were down. We cannot afford to let the stalks waste, for heretofore we have nearly wintered the cattle on them. Others are losing cattle here.'

"Every thing possible must be done to keep this cornstalk disease out of Canada. It has spread with wonderful rapidity the past summer in the Western States. It may now be closer than we think. Better stop corn growing for a time entirely than risk the spreading of such a scourge. Nothing yet seems to be known as to its effect in ensilage, though it is not likely that the microbe would be affected by the amount of heat generated in a silo. Careful vigilance is needed—it is the price of safety—let it be exercised. Our frontier quarantine regulations for cattle will be useless against this disease, which is carried, not by the cattle but by the corn. There will be danger in seed corn from infected districts. Forewarned is forearmed."

One of the professors says that he had fifty letters on one day upon this subject. It is evident that the disease is something new. I have mentioned the reasons which I have considered sufficient to justify me in troubling the House on this subject as I have done. As I have said, there is a desire in England to place this country on the same footing as others. Agriculture in England is depressed, as it is all over the world, and when the farmers of the United Kingdom see Canadian cattle brought in to compete with theirs they look around for relief. As this report says:—

"I am extremely pleased to see that, with the necessarily strict regulations in force in Canada, no disease whatever has appeared there this season, particularly as there is an agitation being again started by some agricultural papers against the introduction of Canadian cattle into this country under the present system."

That is in Sir Charles Tupper's report of last year. The Government have asked for an appropriation of £150,000 this year, and last year a large amount of money was expended, the result of which is given in this report. If we are not alive and

vigilant it will not be long before we are placed in the same position in this matter as our neighbors across the line. If we lose the advantage that we now possess we will lose the 20 per cent. of profit that we derive in this trade from not being scheduled. The cattle that we send to England are of a superior quality. They fetch $88 a head. An hon. gentleman here told me that he shipped 500 head of cattle, that had never been fed grain, from his ranche, and they averaged $90 a head. I think I have said sufficient to show the necessity that exists to take every precaution to maintain the existing advantage we enjoy.

HON. MR. ABBOTT—I do not think my hon. friend has at all exaggerated the importance to this country of the precautions which we have hitherto taken with regard to the import of animals from the United States. The figures which he gave sufficiently demonstrate that it is already one of the most important subjects upon which we could possibly legislate, and it is increasing daily in extent and will ultimately become probably one of the largest, if not the largest, of the productions for export by the Dominion of Canada.

HON. MR. READ—It is now the largest article of export—larger than products of the forest or anything else. In the Trade and Navigation Returns for the year ending the 30th June last the amount in value of animals and their produce exported was $23,894,707.

HON. MR. REESOR—Larger than the manufactures.

HON. MR. ABBOTT—We do not profess to manufacture largely for export yet; we are seeking to develop our manufacturing industries, that we may do so hereafter. We are glad to encourage the cattle trade in order to find the means of paying for our munufactures among other things. I was under the impression that some one or two articles of export still exceeded in value the export of cattle.

HON. MR. READ—This report does not show it.

HON. MR. ABBOTT — Probably the balance has been disturbed by the increase since 1888. We derive a decided advantage in the price of our cattle in the English market from the privilege that we possess of having them landed alive. My hon. friend has shown that last year we exported to England eighty-five thousand head of cattle. These cattle are generally the choicest animals that we produce. It is said that the average of these cattle runs up to between twelve and thirteen hundred pounds, and that the advantage in price is equal to about a cent a pound or more. Hon. gentlemen may not realize exactly what that amounts to. A cent a pound on eighty-five thousand cattle, averaging thirteen hundred pounds per head, is equal to $1,003,000. This money goes into the pockets of our farmers; they would not get it if this country were placed in the same position as the United States, and all other countries except the two to which my hon. friend refers. We have an advantage over all other countries, but those two, which amounts already, at our present rate of export, to $1,000,000 per annum more than the corresponding quantity of cattle would produce from any of the four great cattle-producing countries that my hon. friend mentioned. There already of course has been a great deal of trouble and a good deal of negotiation in order to bring us to the position which we now occupy, where we possess the confidence of the English people that our cattle will be protected from disease, and that theirs will be protected from infection. And in consequence of this confidence we are allowed to export our cattle freely to England, to land them alive, and to have them freely dealt in on the same footing as British cattle. The only importation of cattle into Canada which we permit is that of cattle for breeding purposes, and such cattle are subjected to a rigid quarantine for three months, with perfect isolation, in stations, of which we have two only, one at Quebec, the other at the Detroit river. The only concession of the slightest kind that has ever been made with reference to the importing of cattle from the United States to this country has been the permission to carry cattle in our railway trains from the United States at one point to the United States at another point through our country. These cattle are carried under regulations which are agreed upon with the Privy Council. The negotiations therefor were conducted in England by Sir Hector Langevin and myself,

some seven or eight years ago, and the privilege was obtained with great difficulty—in fact, not until after there had been a positive refusal of it. These privileges were so conceded on the condition that the precautions which should be taken with regard to these cattle should be communicated to the Privy Council, agreed upon with the Privy Council, and carefully and rigorously adhered to. The cattle are carried through the country in sealed cars, so that it is impossible for them to have any contact with any cattle in this country, and they never leave those cars, except at one point where they are stopped in a carefully protected quarantine, to be watered, when they are returned again to sealed cars, and in them carried to the frontier with the seals intact.

HON. MR. POWER—Where is that point?

HON. MR. ABBOTT—The point is at Lynn, in Ontario, on the route from one point on the frontier to the other. Hon. gentlemen will know, and if any are not informed of it I am glad to state, that no particle, even of the manure of these animals, is allowed to escape destruction or to get beyond the limits of this quarantine. Every particle of offal—everything that is touched or that comes in contact with those cars or these cattle within this quarantine is carefully destroyed, and the most minute attention is paid to this duty. It is well understood that the contact of any portion of an animal that is infected will communicate the infection to others, and the best proof that we have been successful in isolating these cattle in their transit across the country is, that no single instance has occurred of an animal having been so infected. There was a scare two years ago in England, in consequence of the arrival, in one of our ships, of an animal that was said to be infected—in fact, the English veterinary surgeon reported that it was infected. I understand that our Commissioner in England at once proceeded to Liverpool, when the fact was reported, and used his own anatomical knowledge to take part in the examination, and in a short time convinced the English veterinary surgeon that the animal had no disease of an infectious kind.

HON. MR. READ (Quinté)—The hon. gentleman will allow me to say a few words here: I have a good deal of knowledge of this matter, for the person whose cattle were stopped was a friend of mine, and he tells me that they slaughtered not only the animal that was said to be infected, but as many as they pleased, and that Sir Charles Tupper took off his coat there and assisted in making a thorough examination of all the animals slaughtered for inspection. The owner of them said that although it cost him fifty pounds a day for veterinaries—they had three of them, one from Edinburgh—it was money well spent, "for" said he, "I was a ruined man if they had not taken off the embargo from these cattle." He was the representative of a syndicate that year.

HON. MR. ABBOTT—I am glad to be confirmed by my hon. friend in my impression of what took place on that occasion. The whole of the facts and figures cited go to show the extraordinary importance to this country of protecting our cattle from the imputation of being capable of conveying infection to English herds. In answer to my hon. friend's question, therefore, I may say, that in view of the great and important interests of Canada in this large and important article of production and export, it is not the intention of the Government to relax or change in any manner or degree the precautions which they have hitherto taken with respect to cattle imported into the country, and which have been so uniformly successful.

REPRESENTATION OF CANADA AT THE JAMAICA EXHIBITION.

ENQUIRY.

HON. MR. POWER rose to—

Inquire of the Government whether they have taken steps to secure the adequate representation of Canadian industries at the approaching exhibition at Jamaica.

He said: I regret that the subject to which my enquiry relates is not as interesting or as important as that which has just been dealt with by the hon. gentleman from Quinté division. His enquiry dealt with one of the most important industries of the country; my enquiry deals with one that may hereafter become a trade of some importance. Hon. gentlemen are, I presume, all aware that a great exhibition is to be held in the Island of Jamaica in 1891, and as is the case with all exhibitions of

that kind, the people not only from Jamaica, but from all the neighboring islands, and probably from portions of South America and from the United States, will be gathered at that exhibition. I think that Canada should be represented there. Hon. gentlemen will remember that just previous to Confederation, in the year 1866, a commission was sent from British North America to the West Indies and South America, and a number of distinguished men took part in that commission. The commission made an elaborate report, but I am not aware that beyond that any result followed from the expenditure in connection with it. Again, some two or three years ago a commissioner was sent out by this Government to South America—to Guiana, I think, and to the Argentine Republic—and that commissioner did his duty apparently in a very thorough manner, and made a report which contained a great deal of valuable information; but, as far as I am aware, no pecuniary transactions with the Argentine Republic ever followed as a consequence of that commission. I presume hon. gentlemen are aware that there are rumors of other commissions to be sent to other foreign parts. Of that I cannot speak with authority. Probably there will be other commissions to the West Indies and that part of the world. My reason for calling attention to this matter is, that I think that by securing a fair representation of our manufactures and other products at this great exhibition to be held in Jamaica the people of the West Indies and of the surrounding regions will learn more of what we produce in Canada and what we have to sell, and what they may possibly be able to buy from us to advantage, than they could learn from a dozen commissions. I think this is so self-evident that it does not require any argument. If our products are put before the eyes of those people, and if the Dominion is represented by a business-like agent—I do not say a member of this House or a member of the House of Commons, or one of the prominent officials in the public departments—but, if it is represented by a good business man, a superior commercial traveller or commercial agent, this exhibition will do more to make us known and to promote trade, if there is any extended trade possible between those countries and Canada, than many commissions. That is the reason why I thought it desirable to call the attention of the Government to this matter. The cost of having Canada represented at this exhibition would not be large. The freight to Jamaica would be small, and one or two practical business-like men could be had for a comparatively reasonable figure; and I think that would be all that would be necessary. These agents could inform the people there as to the prices of the articles exhibited, and could also give information as to the mode of shipment from Canada and the cost of transit. I have intimated a doubt as to whether there would by any very large or substantial results from our being represented at that exhibition. I feel those doubts, and I regret that it is so; but one can not help the feeling. Some people think that our flour might be sold in the West Indies. Of course, the farmers cannot do anything to improve the wheat, but unless our millers adopt other methods of manufacturing—different from those which are now adopted—our flour will not suit the West Indies market. I do not know why some such improvement could not be made as would enable our flour to go to the West Indies. Looking at the fact that cotton has been shipped from Canada to China, and, as I have been informed, sold at a profit in the Chinese market in competition with English cotton, I thought that there was an article which we might send to the West Indies. Large quantities of cotton are used in the West Indies. I have been informed, however, by a gentleman more familiar with the business of the West Indies than I am, that where this has been tried it had been found that cottons were actually cheaper in the West Indies than in Canada. The duty in Jamaica is only 12 per cent., and in most of the other islands is less than that, and the prospect of selling Canadian cottons in those markets is not good. But there are a great many other products that we possibly might sell there. There is no reason why we should not sell some cheese there; and if, as the hon. gentleman from Quinté division said he hoped would be the case, our butter-makers improve their product, I do not know any reason why considerable quantities of Canadian butter might not be sold in the West Indies Although I have my individual doubt of any profitable trade with the West Indies, the Government do not

entertain this doubt. They have shown in the past, by spending money on those commissions, that they think it is possible to create and encourage trade between Canada and the West Indies and the neighboring regions, and they have recently shown their confidence in a still stronger manner by giving very handsome subsidies to a line of steamers to ply between Canada and those markets, and that must be only upon the assumption that a profitable trade can be thereby built up. I think that there is some little trade growing up, and it is possible that it may increase in the future; but I do not think that anything would do more to increase that trade than our being properly represented at this exhibition; therefore, I think it is the duty of the Government to avail themselves of this opportunity to make Canadian products known to the West Indies and the surrounding regions. I hope they have already had the matter under consideration, and that they propose to take the necessary steps to have Canada represented at the approaching exhibition at Jamaica.

HON. MR. OGILVIE — Before the hon. leader replies, I would like to say a few words as to what the senior member for Halifax has said about our wheat and flour. I listened with a great deal of pleasure indeed to many of his remarks, and I think that he is quite right in most of them. As to our wheat, the farmers cannot very well improve it, because the best wheat that is grown in the world at present is grown in our North-West Territories. There is no wheat grown anywhere that has produced flour to equal in strength the flour made from the wheat of our North-West, and that was proved by tests boath in Milwaukee and in London last year. The tests that were made in London last year I am very proud indeed to be able to inform the House showed that the best patent Hungarian and strong bakers' flour was made by Canadian mills, ahead of any other flour in the world, and these are mills with which my name is connected. I have considered the difficulty of shipping flour to South America and the West Indies, and I looked very carefully into the process from end to end, as far back as twenty-six years ago. There is a very large firm in New York, Hager Bros., who manufacture flour specially for the West Indies and South American markets, the wheat for which is all kiln-dried before it is ground. That flour would not sell in this country at all. Nobody would use it. The only wheat that could be manufactured into flour without being kiln-dried to send down there would be the wheat from India. I have seen samples of that wheat, which I think could be ground and sent to Southern markets without being kiln-dried, but any of our Canadian wheat would have to be dried, and the best wheat that is grown is the wheat, the flour from which will spoil quickest in a hot climate, simply because it contains more gluten than dry wheat, so that the very best flour that we make is the flour that would spoil in the West Indies markets. The reason it is not sent out, therefore, is the same reason that we have not supplied the markets of South America and the West Indies with a very large amount of other goods. It would not pay any miller in Canada to manufacture it specially, as our Government, while they protect by their National Policy everybody else, exclude the millers. It was only the other day that they put us on an even keel. Before that, there was a bounty of 25 cents in favor of the American miller; now we have no protection at all. Wheat and flour pay about the same duty. The reason we have not manufactured flour in Canada for the South American market is that it is an expensive process, and all the flour manufactured in that way would have to be sent South to be sold, because it would not sell in this country. It is not for want of first-class wheat or lack of enterprise on the part of our millers. Speaking of cottons, a mill has been built at Montmorency within the last few months, in which I have a small interest, which is intended principally to manufacture cottons for China and Japan markets, and I think it is going to succeed remarkably well.

HON. MR. KAULBACH—I may be excused for saying a word on this subject, as the county from which I come does a large trade with the West Indies, and particularly with Jamaica, and our people are deeply interested in that trade. As the hon. gentleman from Halifax has said, when we grant such generous bounties to vessels engaged in developing that

trade, I think the comparatively small amount which it would cost to have us adequately represented at the Jamaica Exhibition would be well spent. In fact, it seems to be consistent with the policy of the Government in subsidizing lines of vessels that that should be done. We feel that heretofore we have not had a chance to compete with the United States in those markets. What my hon. friend from Montreal has said has been my impression for a long time—that is, that our best grades of flour would not keep in the hot climate of South America. I think if we were fairly represented at the Jamaica exhibition we might get such a trade that the demand for Canadian flour would warrant our millers in manufacturing flour specially suited for that market.

HON. MR. POWER—If I said that our wheat was not as good as any in the world, I certainly did not mean to convey that impression. I am quite aware that Manitoba wheat is the best wheat in the world.

HON. MR. ABBOTT—I am much gratified, and I am sure the House is gratified, to find the Senate occupying itself with subjects such as those which have been brought to our notice to-day, and that the hon. gentleman from Halifax is taking so much interest in this trade with the West Indies, which is specially important to Nova Scotia. I may say that I have great hopes of establishing a profitable trade between this country and the West Indies. There is no reason that I know of why we should not be able to supply them with manufactured goods at a more reasonable rate than those which they now buy from our neighbors to the south of us, who have to contend with a much heavier tariff and carry heavier burdens than we do; and therefore I presume, necessarily, according to the theory of all economists, more especially the free-traders, must pay much more for the production of their goods than they cost us where we live under a more beneficent system. In answer to my hon. friend's question, I may say that the Government is fully sensible of the importance of the exhibition at Jamaica, and of the opportunities which it offers for a display of the goods we can manufacture and furnish to the West Indies Islands; and this being a country differing altogether from their tropical clime, we must and do produce a large number of articles which we can exchange with advantage for those which they produce there. And with the view of taking all the advantage possible of those opportunities, we have applied for space in the buildings which are being erected for this exhibition, and have placed upon the Estimates a sum of money which the Government propose to ask Parliament to grant them for the purpose of defraying the expense of being represented there.

THE PRINTING OF PARLIAMENT.

HON. MR. ABBOTT—Before the Orders of the Day are called, I would like to inform the House on the subject to which the hon. gentleman from Prince Edward Island (Mr. Haythorne) referred yesterday. I brought the question of our printing before my colleagues, and although I have not yet been able to discover exactly where the difficulty lies, it has not been in this instance with the Printing Bureau. The report is that the nine Bills in question were sent out in proof on Saturday the 12th instant, at 11:30 a.m., addressed to Mr. McCord and Mr. Coursolles. The proofs were returned to the printing office on the 14th instant at 10:30 o'clock p.m.—that is, last night, at half past 10 o'clock. I do not know whether these are the proper officials to whom proofs of our Bills should be sent. I only received this report a few minutes ago, and I propose to ascertain to whom the proofs ought to have been sent; and if, in point of fact, these are the officials whose duty it is to correct those proofs and return them to the printers, I shall endeavor to procure the performance of that duty with more expedition in future.

HON. MR. MACINNES (Burlington)—Perhaps some explanation is due from me to the House for the detention in the publication of some of the Senate debates. The facts are these: On Thursday I asked the official reporters for a proof of the debate which took place on the previous day. It was sent on my order, and I believe it first reached my namesake from British Columbia. It afterwards reached me, I think, on Friday, and, without reflection, I threw it into the waste paper basket. If the business of the House has been in any way interfered with by my inadvertence, or any hon. gentleman has been inconvenienced thereby, I have only

to express my regret that I was not more careful in sending it back to the printer myself.

RAILWAY BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (Z) "An Act respecting Railways." He said: This is a Bill to make provision on two or three points which appear to require some legislation. They apply principally to incidental or minor powers of railways. The first has reference to a certain amount of embarrassment that has been experienced by railway companies connecting with the boundary line as to performing functions beyond the boundary, the ground taken being that they had no authority under their corporate powers—that their own constating Act did not give them any authority to deal with matters beyond the line. And it is to remedy that, and to give them power to do beyond the boundary whatever they can do in this country, in so far as the laws in force in the adjoining country permits them. In like manner, the next clause is to meet a difficulty which has been raised as to railway companies, which it is alleged are created only for the purpose of running railway carriages, selling and dealing with the lands which they acquire and hold in large quantities by subsidy and otherwise. A question has been raised as to whether they have that right, and it is to remove any doubt on that subject that the second sub-section is introduced. The second and third clauses have reference to a subject which has been made a matter of discussion extensively recently—that is, the difficulty that has been experienced from prairie fires, caused by sparks falling from locomotives, and a remedy has been suggested that there should be a fire guard created on each side of the railway by ploughing, and burning off the prairie grass which grows between the fire guard and the track itself. The next two clauses make it compulsory on the companies to do that in every case where it is found necessary. Then the fourth section makes a more perfect arrangement about the protection of cattle from injury on the track in partially fenced places than has heretofore existed. This clause, I believe, has been settled after consultation by three or four gentlemen who represent outlying districts on the Ottawa river, where there has been a considerable amount of difficulty arising out of that kind of casualty. I submit it to the House as the best enactment that we can contrive for that purpose. These are the objects of the Bill.

HON. MR. WARK—I think, perhaps, there will be a good deal of danger in setting fire to the grass between the strips that are ploughed. If a wind should spring up it might blow the fire across the strip and carry it into the adjoining fields. There ought to be a safer way of removing this grass than burning it.

HON. MR. ABBOTT—This is a plan which has been suggested by experts in the North-West Territories. It is a familiar device of old times, when people were in danger themselves of being burnt by the spreading of fire, and it is said to be effectual for this purpose. The grass does not grow long; it is quite short, as a rule, and of course a railway company burning it off would take care to do so under such circumstances as to attain the object which is desired—that is to say, to prevent the spreading of any conflagration.

HON. MR. DICKEY—That is done by ploughing, so that there is nothing to burn.

HON. MR. ABBOTT—My hon. friend will see that they do not plough up the whole space; they plough up a strip 200 feet from the track, and the strip between that and the railway is what is burnt.

HON. MR. MACINNES (Burlington)—I am afraid it will be rather onerous upon the railways. This strip will not remain without grass, because we all know how very rapidly grass will grow, so that in the course of two years it will be as abundant as ever, and this ploughing will have to be a constant thing on the part of the railways.

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

NORTH-WEST TERRITORIES BILL.

POSTPONED.

The Order of the Day being called,—Committee of the Whole House on Bill

(V) "An Act to amend the Acts respecting the North-West Territories."

HON. MR. BELLEROSE said: I do not rise to move the motion of which I have given notice, because I knew when I gave it that it was not in order. I put the notice on the Paper for two reasons—first, to let the House know that I would move it, as generally these Bills are pushed through in a day or two; and second, because I wished to ask the House, as this is an exceptional case, to let me move it. I am not at this moment ready to do so, but I rise to speak to the motion to go into Committee of the Whole.

HON. MR. ABBOTT—I was about to say that I am not prepared to take up this Bill to-day.

THE SPEAKER—I wish to call the attention of the hon. gentleman (Mr. Bellerose) to the fact that his motion is out of order. His motion is, that when the Order is called for the House to go into Committee of the Whole on this Bill he will move that it be an instruction to the committee to amend the Bill by striking out a certain paragraph. Of course that would necessitate his making his motion when the Order is called, but I would submit that it is simply an amendment. It is very clearly laid down that an instruction is only given to a committee to confer on it a power which it would not have without such instruction, and if the subject-matter is relevant to the scope of the Bill then such instruction is irregular.

HON. MR. BELLROSE—That is why I said I would not move it, because I saw by some authorities which I looked into that it was not in order; but, as I have explained, my intention was to speak to the motion to go into Committee of the Whole, because then the Speaker would be in the Chair. I know that on such a question as that I could not enter into details, but I could speak of the subject of the Bill. There are five or six subjects in the Bill which can only be spoken of separately. However, as the leader of the House says that he will not go on with the Bill to-day, I have no right to dwell on the subject any longer.

HON. MR. ABBOTT—There are some amendments talked of which I think it important to consider, that have only been brought under my notice within half an hour of the meeting of the House. I therefore move that the Order of the Day be discharged, and that it be fixed for to-morrow.

The motion was agreed to.

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (129) "An Act to amend 'The Exchequer Court Act.'" He said: This is a Bill simply to grant an appeal from the Exchequer Court to the Supreme Court, or rather to remove doubts on that point.

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

BILLS INTRODUCED.

Bill (121) "An Act to amend the Act to incorporate the Dominion Mineral Company." (Mr. MacInnes.)

Bill (40) "An Act to incorporate the National Construction Company." (Mr. Kaulbach.)

Bill (39) "An Act to incorporate the York County Bank." (Mr. Vidal.)

Bill (128) "An Act respecting the Columbia and Kootenay Railway and Navigation Company." (Mr. Reid.)

Bill (37) "An Act to amend the Act to incorporate the Imperial Trusts Company of Canada." (Mr. Clemow.)

Bill (92) "An Act respecting the Napanee, Tamworth and Quebec Railway Company, and to change the name of the Company to 'The Kingston, Napanee and Western Railway Company.'" (Mr. Read.)

Bill (97) "An Act to incorporate the Montreal Bridge Company." (Mr. Guévremont.)

Bill (35) "An Act to incorporate the Calgary and Edmonton Railway Company." (Mr. Perley.)

Bill (63) "An Act to incorporate the Home Life Association of Canada." (Mr. McMillan.)

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Wednesday, April 16th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

FRESHETS ON THE FRASER RIVER.

ENQUIRY.

HON. MR. McINNES (B.C.) rose to enquire:

1st. Is it the intention of the Government, during the coming summer, to devise such means as will prevent further destruction of property by the Fraser River washing away large areas of valuable land at Sumas and Chilliwhack, and doing serious injury to navigation? 2nd. Has the Government received any information from the Government of British Columbia on the subject: if so, when, and what was the nature of it? 3rd. Has the attention of the Government been called to this matter by the New Westminster Board of Trade, or the Municipal Council of Chilliwhack; if so when?

He said: Before asking these questions I desire to say, for the information of the House, that the two points indicated in the first question are situated between 50 and 75 miles from the mouth of the Fraser River, and that the Fraser River within the last sixteen years, to my own knowledge, has actually changed its bed over $\frac{1}{8}$ of a mile. The settlements of Sumas and Chilliwhack are situated in one of the most fertile, and probably one of the most beautiful valleys to be found in any country. The soil is all alluvial soil, of from 10 to 20 feet in depth. and, owing to huge logs, or rather trees, that are carried down with the spring and summer freshets lodging at certain points in the river, the current has been diverted towards the south bank of the Fraser, where it is composed of this rich alluvial earth, and enormous quantities of land are carried away each year. Not only are there large quantities of farm lands being destroyed in that way, but the chances are that unless some way is found to arrest this destruction of property it will gradually carry away the entire valley and convert it into a sandy or waste desert. Not only should steps be taken to prevent this great destruction of private property in consequence of the encroachments of the river, but something should be done by the Government to prevent it interfering with the free navigation of the river. A large amount of shipping passes up and down the river at these points, and my private opinion—not only my own opinion but the opinion of a great number of competent men who have knowledge of such undertakings,—is that if a few piles were driven or a few large trees were anchored at the mouth of the Sumas River, at a certain season of the year, the current would be diverted, and the water would be thrown back in a short time into its original channel, thereby preserving the navigation of the river, and preventing further destruction of property.

HON. MR. ABBOTT—In answer to my hon. friend, I have to say that the Government has already expended very large sums on the navigation of the Fraser River, and it is quite prepared to do anything further that may be required to protect it, or to protect its banks from being destroyed, or to protect its channel from being diverted, which I hear there is some possibility may be done, by taking part of it through the territory of a foreign country; and at this moment they are making inquiries and obtaining information as to the precise nature of the work required to be done. The answer to the second question bears on that. The Government have received a communication from the Government of British Columbia respecting the necessity of taking measures of this description, but this communication does not give any particulars whatever—does not say where the injury is being done, or what the difficulty is that is to be dreaded, and it is precisely on those points that the Government is getting information.

HON. MR. McINNES (B.C.)—When did you receive the communication?

HON. MR. ABBOTT—I am unable to say, but it is not long ago. The New Westminister Board of Trade had called the attention of the Department to the necessity of protecting the river near the mouth of the Sumas River, and that is where the work will be needed. A thorough examination is to be made to determine what is necessary to protect the navigation of the river.

MONTREAL BRIDGE CO.'S BILL.

SECOND READING.

HON. MR. GUÉVREMONT moved the second reading of Bill (97) "An Act to incorporate the Montreal Bridge Comany."

HON. MR. POWER—Before that question is put I think it would be well that we should have some expression of opinion from the leader of the House. Recently that hon. gentleman has not been able to attend the meetings of the Railway Committee, and I think it desirable that someone should be there representing the views of the Government on the subject. I have understood that the Government are rather opposed to the construction of any further bridges across the St. Lawrence River, and I think before the House deals with this Bill we should have some information as to the position that the Government occupy with respect to it. Is this proposed bridge one of the structures to which they object, or is it not? The committee have a right to get some information on that point.

HON. MR. ABBOTT—I am very happy indeed to give my hon. friend all the information that I can as to the views of the Government. Their objection is not in the abstract to making a bridge from one bank of the St. Lawrence to the other, but it is to making a bridge which will impede the navigation of the river. I understand that changes have been made to this Bill in another place which will prevent this bridge from being an obstruction to the navigation of the river—that is to say, its piers will stand on the main land, and it will be high enough to permit the largest vessels, with the highest masts, to pass under it. It will be higher than the Forth bridge.

HON. MR. VIDAL—It will be 20 feet higher.

HON. MR. ABBOTT—Under these conditions, it cannot be in any way an obstruction to the navigation of the river, and the Government have ceased to make any objection to the Bill. I do not propose to make any objection to it here, and there cannot be any reason for opposing it, so long as the structure will not interfere with the navigation of the St. Lawrence.

HON. MR. POWER—I have to thank the hon. gentleman for the statement which he has made. It will greatly facilitate the work of the committee, now that they understand the views of the Government on the subject.

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

SECOND READINGS.

Bill (121) "An Act to amend the Act to incorporate the Dominion Mineral Company." (Mr. MacInnes, Burlington.)

Bill (40) "An Act to incorporate the National Construction Company." (Mr. Kaulbach.)

Bill (39) "An Act to incorporate the York County Bank." (Mr. Vidal.)

Bill (128) "An Act respecting the Columbia and Kootenay Railway and Navigation Company." (Mr. Reid, Cariboo.)

Bill (37) "An Act to amend the Act to incorporate the Imperial Trusts Company of Canada." (Mr. Clemow.)

Bill (92) "An Act respecting the Napanee, Tamworth and Quebec Railway Company, and to change the name of the Company to 'The Kingston, Napanee and Western Railway Company.'" (Mr. Read, Quinté.)

Bill (35) "An Act to incorporate the Calgary and Edmonton Railway Company." (Mr. Perley.)

BILLS INTODUCED.

Bill (97) "An Act to incorporate the Dominion Safe Deposit, Warehousing and Loan Company, Limited." (Mr. Scott.)

Bill (98) "An Act to confer on the Commissioner of Patents certain powers for the relief of George T. Smith. (Mr. MacInnes.)

THE SAMUEL MAY RELIEF BILL.

THIRD READING.

HON. MR. MACINNES (Burlington) moved the third reading of Bill (16) "An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May."

He said: This Bill has been before the Committee on Standing Orders and Private Bills, and its merits have there been fully established, so that there can be no doubt about it. It was unanimously passed by that committee, and with reference to the principle of such Bills, the House has already affirmed it by the passage of three Bills exactly such as these. One is the J. B. Smith relief Bill in 1869; another the James Macnab Bill in 1873; and the

Welland Vale Co.'s Bill in 1876. The Welland Vale Co.'s Bill is almost precisely the same as this, and the House has never refused to pass such measures, that I am aware of, after the merits have been satisfactorily proven. There was another Bill for the relief of Otto Morin, passed also in 1876, but not precisely in character the same as this.

HON. MR. DICKEY—There is a notice on the Paper in my name proposing an amendment to this Bill, which I will now proceed to move, and in answer to what my hon. friend has just said, I may say that I retain my opinion, which I expressed at a former stage of this Bill, that this legislation is of a character that ought not to be encouraged in this House, and I think there is a decided objection to the principle of the Bill, which objection was reserved as a matter that should be considered at this stage. But my hon. friend has adverted to two or three precedents, and by his courtesy I have been enabled to refer to them myself, and I find that they are not on all fours with the principle of this Bill. This Bill contains an allegation that by an accident the application was not made until after the long period of three months had expired, and it was explained, although it is not in the preamble, that that was done by the petitioner's solicitor. It occurred to me, as it did on a former occasion, that if there was ever a case in which a party ought not to have relief it is that in which an employed solicitor neglected his duty. It is a matter that should be settled between them, and for which the solicitor ought to be liable. It was not, in either of the cases referred to, the ground upon which the application for relief was made. In all cases the application was made before the five years had expired. I have not been able to look at the law in the seventies when this legislation took place, because of the short time I have had since I was informed of those precedents, but they were all based upon different facts. For instance, the application made in 1876 was on the allegation that there had been an inadvertent omission without any fault or negligence on the part of the parties for a period of five weeks. In the other case that has been adverted to, in 1873, the renewal was legislation for the purpose of giving effect to a patent which was granted under a law of the old Province of Canada. It was not a patent that had been granted under our laws at all, but it was asking power to give effect to a patent which had been granted in the year 1857, and to remove doubt as to the position in which the parties stood with regard to that patent, and whether he could make it a Dominion patent. It was no question of delay or negligence, the object being simply to remove any doubt that might exist as to a patent obtained under the law of the old Province of Canada. In another case, the petition stated that the petitioner had forwarded the money to the Government, but by some accident the petition reached the proper office eleven days too late. He had done everything he could, but the petition did not reach the office in time. In another case the money was placed in the hands of the clerk, to be transmitted to the office, and the clerk either supposed he had transmitted the proper amount or retained part of the amount—at all events, he only sent half the $20, and that was the amount that reached the office, and when he went a few days afterwards to get his patent, as he supposed, he was told that the whole amount had not been transmitted. It was a special case, and under the circumstances he was allowed a renewal of his patent by legislation. These are the precedents; but it is my duty to call the attention of the House, as this is a public matter in its bearings, to the singular fact that after all these cases occurred the objections which were so forceably and well put by the leader of the Government on a former occasion were made in Parliament by several distinguished men on both sides of the House against this class of legislation; and the result was, as far as I can ascertain by looking at the books, there has been no such application since that date—for the long period from 1876 to the present time. That is the position in which the matter stands. I content myself, therefore, with stating my views on that point, and reserving all the objections that I made to the Bill, and having stated them, I leave them in the hands of the House and of the Government to be dealt with as a matter of policy as they choose. But there is a principle in this Bill which seriously affects the interests of the public, whose interest is, to a certain extent, antagonistic to that of the man who claims an exclusive right,

and I think that interest should be protected and there should be no doubt on the subject. This Bill has a clause in it which I shall read :

"2. Any person who has, within the period between the twelfth day of July, one thousand eight hundred and eighty-eight, and the extension or renewal hereunder of the said letters patent, acquired any interest or right in respect of such improvements or invention, shall continue to enjoy the same as if this Act had not been passed."

It is my duty to call the attention of the House to the fact that on a former occasion I took exception to that as one of my objections to the Bill, that even if an an appeal *ad misericordium* could prevail, the House should still protect the interest of the public, and I suggested that certainly there should be some such words as "acquired by user or otherwise," inserted; and curiously enough, by referring to those precedents, I find in every one of them these words "acquired by user or otherwise." And the reasons are perfectly obvious : a man may acquire a patent by assignment, and hundreds of people who use this article have acquired rights after the patent has lapsed. These people have a right to be protected. They may acquire the right by manufacturing or using the article in such a way as would render them liable to a penalty if the patent was in force. It is for that reason I prepared this amendment, which, I think, covers the whole ground. It protects the rights of parties who have purchased, and protects the rights of those who manufacture. I therefore move the amendment of which I have given notice, as follows : "That the said Bill be not now read the third time, but that it be amended by inserting after the word 'acquired,' in the fourth line of section 2 thereof, the words 'by assignment, use, manufacture or otherwise."

HON. MR. MACINNES (Burlington)—I have considered the amendment proposed by my hon. friend, and as the object of the Bill is not only to secure the extension required, but to protect the public in any rights they may have acquired under it since the patent expired, I have decided to accept it.

HON. MR. SCOTT—It may be satisfactory to some hon. gentlemen who have taken an interest in this question, and who have thought that a very serious inroad is being made on the ordinary legislation of the country, to be reminded that in England just such a provision as we are inserting in this Bill already exists, except that it is not necessary for a party to come to Parliament to obtain a renewal of his patent. I find that, under the English patent law of 1883, section 17, in case of accident, mistake, or inadvertence, if a patentee fails to make any prescribed payment within the prescribed time, he may apply to the comptroller for an enlargement of the time for making the payment; and thereupon the comptroller shall, if satisfied that the failure has arisen from any of the above mentioned causes (accident, mistake or inadvertence) on the receipt of the prescribed fee for enlargement, not exceeding £10, enlarges the time accordingly. But the time for making any payment shall not in any case be enlarged for more than three months. We put it on a much more satisfactory basis, because we provide in this Bill that any interests which may have arisen in the mean time shall be guarded. I do not think it is any serious innovation when we have English precedent for the legislation we are carrying out.

HON. MR. DICKEY—I am obliged to my hon. friend for having brought out this fact. When this matter was up before I stated distinctly that it was far better that a provision to meet cases like this should be in the General Act, and that it should not be the subject of special legislation, which I think is odious, and I quite agree with him.

The amendment was agreed to.

The Bill was then read the third time, as amended, and passed.

THE EMILY WALKER RELIEF BILL.

REPORT OF THE DIVORCE COMMITTEE ADODTED.

HON. MR. SANFORD moved the adoption of the tenth report of the Select Committee on Divorce *re* the Emily Walker Relief Bill. He said : As the evidence with reference to this Bill has been before you now for two days, and as the case is one which specially commends itself to us for relief, I do not think it necessary for me to enter further into the subject than to move the adoption of the report.

HON. MR. KAULBACH—I am surprised that my hon. friend has not explained

the report of the committee. He having charge of it, I supposed he would have told the House what the recommendation is, how it affects the Bill as it came before the House, and as it proceeded from the committee. I do not wish to take up the time of the House in discussing the matter, although it is a new departure from divorces that have been granted heretofore, and involves a great many questions to which the committee gave considerable attention. I am glad to say that upon all the facts of the case the committee were unanimous, but on the enacting clause upon those facts I had the misfortune to differ from the rest of the committee. I do not consider that upon the facts found we are justified in making such a departure from the principles laid down here, and to which we have hitherto so strictly adhered—that is, to grant no divorce, except on the ground of adultery. Before I sit down, I shall show to the House the position in which this matter comes before us in the report which we are asked to sanction. The Bill has been changed, and there has been eliminated from it any allegation of desertion. It says that they have been married, and that the committee consider the marriage is a legal marriage. There is nothing in this Bill that alleges adultery, nothing that alleges desertion or cruelty; but the finding of the committee is, that they were legally married; that they did not cohabit together, and upon those grounds, and those solely, we are asked to confirm the report and the enacting clause, which will grant the petitioner relief. Before we move in this matter any further, we should consider the position of the parties. There has been a legal marriage; they did not live together; he did not desert her immediately after the marriage, but they lived separate by mutual agrement and there is nothing in the Bill alleging cruelty on his part, and it is such a departure from our usual practice, and creates such a dangerous precedent to grant a divorce under such circumstances, that we should hesitate before passing such a Bill. When this matter came before us, presenting as it did so many novelties, we decided upon certain points which we considered were worthy of consideration from a legal point of view. Each member of the committee desiring to have information, we formulated certain points, and with the assistance of our Law Clerk, who assisted us very much in getting precedents, we got all the information we could on the points of law as to what constitutes a marriage; and I am satisfied, after looking at those cases, and some that I searched up myself, that there was a legal marriage in this case and that was the unanimous finding of the Committee. One of the enquiries was, at what age can the parties contract? And that we found by precedent was 14 in males and 12 in females. Then, as regards what is necessary to consent, there must be an assumption of the status. To make a marriage invalid it must appear beyond question that it was the result of compulsion—that there was an apparent unwillingness, an apparent assent influenced by fear of violence. In this matter of consent, was it done under duress, fear, or restraint, fraud or violence? We found that there was nothing of that kind in this case; that there was consent between the parties, and sufficient age, they were capable of contracting marriage, and consent being established these points were beyond dispute. Then another question arose, as to the consent of the parents and guardians, these people being under age of 21.

HON. MR. POWER—The husband was not under age.

HON. MR. KAULBACH—I think he was under age also—not quite twenty-one—and she was twenty years and six months old. Then we say here that it is not necessary to have the consent of the parents and guardians to make a marriage contract binding. There is no statute that makes it so. There was another point taken, whether it was void through any fraud in obtaining the license. We found that even if there had been, it would not vitiate the marriage, and there are authorities on that point. Then, as regards consummation, that, we find, is not necessary to make the marriage binding. It is a matrimonial right that they have, but it is not necessary in order to constitute a legal marriage. On these points we have the established authorities, and therefore having, I believe, satisfied ourselves that such was the law, we considered, under the facts of this case, that there was a legal marriage. This being a legal marriage, there being no desertion, no cruelty, nothing complained of on the part of either of them, except that they did not live together—

nothing to show want of consent or desertion—the question came up whether, under such circumstances, without any charge being made of cruelty, desertion or adultery, we should create a precedent which has never been established here or in England by dissolving the marriage tie *a vinculo*. In cases of desertion, separation has been granted, but a dissolution of the marriage tie has never been granted in England for anything less than adultery, and it has never been granted in this country either by the courts or by Parliament for any less cause.

HON. MR. POWER—The hon. gentleman stated that it is in evidence that the husband was not of age when the marriage took place. Will he point out where that is to be found?

HON. MR. KAULBACH—I think it is stated in some part of the report that they were both under age or it is alleged in the petition or the bill. Now, what are the facts of this case? This young woman, an intelligent girl, properly brought up and of respectable parentage, had been acquainted with this young man for a year and a-half. They had been intimately together in social life, and, as she said, he had courted her for a whole year. They agreed to be married, and fixed upon the place where the marriage was to take place three weeks before the event. They went together, by appointment, in the day time to this place—the town of Dundas, five or six miles from Hamilton—and there they were regularly married under license. They went by the street cars and returned in the same way. The understanding was that they were not then to live together, as the mother of the girl had to be appeased in some way. It seems she had some objection to the marriage. They intended fully to enter into the matrimonial estate and to live together as man and wife. The evidence on that point is clear and unqualified. She was asked by myself:

"Q. At that time, did you consider you were going to be married, or was it simply some little lark on your part?—A. It was not any lark. We both understood we wanted to be married.

"Q. And you went there with a serious intention of being married?—A. Yes.

"Q. And living as man and wife?—A. Yes.

"Q. Was there any understanding beforehand that you were not to live together as man and wife?—A. Nothing of that kind. Of course, I should never have married him had I known his circumstances—had I known that he was not in a position to keep a wife.

"Q. Was it understood you were to go back home and not live with him as your husband?—A. I understood I was going home for a while. He gave me to understand he was getting a good salary, and he told me the figures. Had I known he was not in such a position I would never have consented to this."

They married, knowing all the consequences of the step they were taking, and she swears that she intended to be married and to discharge all the duties of a wife. Therefore, there can be no question about this being a marriage. Her evidence was not equally satisfactory throughout, because although she said plainly and unqualifiedly that her intention was to be married, she afterwards said there was no marriage. Expecting that the question would come up before us, I wished to ascertain whether she had consented to this marriage, and whether she had entered into it with the intention and and expectation that it should be binding. I asked her: "Did you consider at the time you went into it that you were going to perform all the duties of a wife?" and she answers: "No," in direct contradiction to what she had said before. She had considered the position in which her answers to those questions might place her, and she flatly contradicted her former statement. In another place she is asked: "Did he ever speak of your relations as husband and wife?" She says: "Yes." And the examination continues:

"Q. In what way?—A. Nothing very particular. He said as soon as my mother was aware of it she would be agreeable."

It shows that throughout this whole matter he was desirous of consummating the marriage, that she was evading this, and that she did not wish to communicate the fact of her marriage to her mother. He came to her house that day, according to agreement, in the evening, and he continued for a long time afterwards to visit the house. She was asked how long he remained there, after the marriage, coming to see her. She did not seem to know whether it was weeks or months, or how long he remained in Hamilton. Evidently she did not care sufficiently for him to ascertain what his movements were; her mind was changed. She found that he was not as wealthy as she had believed he was, and she got rid of him the best way she could. She made no pretence that she had endeavored to live with him, or that she had suggested to him the singular and unfortunate position in which she stood.

It is not shown in any way that she had any desire to fulfil her marriage vows. She endeavored to persuade the committee that she had done everything on her part, and that he had deserted her, but the evidence does not sustain her. The fault was evidently largely hers. The husband was a young man, not 21 years of age; he had not provided a home for her, but that is no reason why the marriage contract should be dissolved.

HON. MR. MCMILLEN—How does my hon. friend reconcile that with the letters he sent her.

HON. MR. KAULBACH—I will come to that presently. She had a skilled and artful lawyer, who knew exactly how to present this case in the best manner possible, and to suppress everything which might appear unfavorable to her case. She brings two or three letters here, but she admits that she had four or five others from her husband which she destroyed, evidently because they did not suit her purpose.

HON. MR. MCMILLEN — There is no evidence of that.

HON. MR. KAULBACH—Why did she destroy some and produce others? Why did she try to show by his letters that he did not wish to live with her? One would think that, writing on such an important matter, she would have kept copies of her own letters, but she had no copies to produce. She says in one place that the letters produced are all she had to produce, but when pressed by me she admitted that she had others from him that she destroyed. My hon. friend suggests that I should read the letters. I will read them, and make a few comments on them. Here is the first letter—and bear in mind that it is a reply to a letter from her, and evidently, from the manner in which it begins, she must have written to him how to address her. He does not address her at all—does not say "My dear wife," or anything of the kind, but begins:

"Your letter of the 15th inst. duly received. I have no desire to call on you or yours. I only said in case we would not settle it satisfactorily. As far as the agreement goes, I meant a written one, legally signed by both of us, but as soon as I hear from my adviser I'll write you more on the subject. I expect to hear in a day or so. I do not think your mother's sickness was caused by this trouble or her conscience would have struck her when she said the things she did about me, without any foundation. I will write more as soon as the advice comes."

That shows that she must have written some letter by which she led him to understand that she did not wish him to call on her

HON. MR. MCMILLEN—He wanted to desert her.

HON. MR. KAULBACH — There was some negotiation evidently between the parties; she had written him that it would be displeasing to her if he called on her. I draw that inference; hon. gentlemen may draw what inference they please. It is evident that this young woman did not wish him to come. Her mother was dead at the time and there was no necessity for any further estrangement.

HON. MR. SANFORD—I beg to correct the hon. gentleman. The mother is still living.

HON. MR. KAULBACH—I mean the father. He died two weeks before the marriage, so there was only the mother to object. I say that this letter convinces me that there was some communication with him in which she showed no disposition or desire to have him come back to her. If she wished to put herself in a right position she should have said that she was ready to fulfil her duty as a wife. If her letters were what they should be, she should have preserved copies of them, and produced them with all the letters she received from him. But she produced no copies of her own letters, and she destroyed his letters, with the exception of those which suited her purpose. There is no evidence here in any way that, by word or act, he had alienated his wife from him; there is no evidence to show that she desired to observe her marriage vow. She went through the solemn marriage cermony of our church; she called on her Creator to witness that she would forsake all others and cleave only to her husband. And this was not done hastily or on short acquaintance. She had known the young man for eighteen months, and been engaged to him for twelve months, and the marriage was arranged three weeks before it took place. It was her duty to tell her mother the position in which she was placed, and failing to get her mother's sanction to the marriage, she should have observed her vow and forsaken all others for him. But everything points to the fact that after the marriage

she was dissatisfied, on finding that her husband's prospects were not as good as she supposed them to be, and I believe she has been the means of driving him out of the country. From her evidence it is clear that she endeavored by every means in her power to keep him aloof from her. The evidence is brief, and every member of the House must have read it. It shows that the young man was willing at all times to take his wife to his home when her mother would be reconciled to the marriage He seemed to hope, as long as he was there, that a reconciliation would be effected.

HON. MR. SANFORD—That is not in the evidence.

HON. MR. KAULBACH—We have evidence to show that he was in hopes that her mother would become reconciled to the marriage. She is asked by me :

"Q. Did he ever speak of your relations as husband and wife?—A. Yes.

"Q. In what way?—A. Nothing particular. He said as soon as my mother was aware of it she would be agreeable."

Again, she is asked :

"Q. Did you see him after the marriage ceremony?—A. He did not come in ; he went home.

"Q. Was that according to any agreement between you?—A. Well, of course I knew my mother had almost forbidden him the house. It was about our tea time, and I knew perfectly well I could not invite him to tea.

"Q. You did not see him afterwards?—A. He came up that evening.

"Q. And other evenings?—A. Yes ; he kept coming up occasionally until he went away."

In view of this evidence she does not appear as an injured person: in fact, the young man has been the injured person, and we cannot afford her even any charity at all, because I believe it would be setting a bad example. She has not shown that she has been injured in any way ; she simply complains that she found that her husband was not as well off pecuniarily as she expected, and on that ground she endeavors to evade the consequence of her marriage. A brief, skillfully prepared by her Counsel, has been put into our hands, in which it is stated that there are precedents for this application. I contended in the committee, and I contend now, that there are no such precedents. In the brief it is said that an Act precisely similar to this was passed by Parliament. Well, that is not true. I was chairman of the Divorce Committee when the case was investigated, and I have looked into all the facts connected with it. That was in 1887. The Lavell case was this: one of the parties to the first marriage was over age, the other under age. They were married under assumed names. The parents knew that they were engaged, but did not know of the marriage, and there was no consummation of the marriage. Lavell was a young doctor, who was without means to maintain a wife. He evidently liked this girl and wished to secure her. That appeared to be his motive, and evidently she was holding on to him, believing, probably, that it was not quite a marriage, until she got some person that she liked better. Another person named Fralick appeared, and she engaged herself to him. When Lavall heard of it he told her that she was married to him, and could not marry Fralick, and he told the same thing to Fralick. She showed an opinion from no less a person than Sir Alexander Campbell, which was supposed to be genuine at the time but was, I think, subsequently proved to be false, saying that the first marriage was a nullity. The young man believed that at the time, but found that he was mistaken. Fralick told Lavell to go and say to the young lady that he would give her up, and that he was going to the States, but instead of leaving the country he rushed up to where she resided and got married at two or three o'clock in the morning, and when Lavell appeared on the scene she was a married woman. The sympathy of the committee was strongly with the young woman, the impression prevailing that she supposed she was not married to Lavell. The Bill charged her with bigamy and adultery, and contained that charge when reported by the committee to the Senate. There was a general feeling in the House to avoid, if possible, having her family suffer from the imputation that she was guilty of the offences charged against her, and the Bill was amended by striking out the words "bigamy and adultery," but the words remained, that since the first marriage she lived and cohabited with a third person.

HON. MR. MCMILLEN—It was a case of pure desertion.

HON. MR. KAULBACH—I am quite sure that I have stated the case correctly. The words that I have quoted were struck out,

but the act of adultery was charged against her—call it by any name you please. No member of the Senate would grant a divorce on any other ground than adultery. The House decided in the Lavell case that there was a marriage in the first instance, and that after the marriage she lived and cohabited with a third person. The offensive words were stricken out of the Bill at the suggestion of some Senators who wished to protect her in her new relations with another man, but the words that remained amounted to the same thing—a charge of adultery—so that that case cannot be cited as having any bearing on the Bill that is now before the House. I am confirmed in this by the remarks of Senators Gowan and Clemow, both of whom, in supporting the Bill, said that unless adultery was proved they could not vote for it. There is no precedent here for granting a divorce except for adultery. It is a question for the House to decide whether this Bill should pass or not. Parliament possesses the power to dissolve a marriage; it is a question of public policy. Should we, under the circumstances of this case, depart from the well-established rule which prevails here, and which has never been departed from in England? I think not. It would be a precedent which would be prejudicial to public morality. We know how lax the divorce laws are in the United States, yet I do not know that they have ever dissolved a marriage in any State in the Union unless adultery, desertion or cruelty was charged. In this case there is neither; there was simply a disappointment as to pecuniary means of the husband. I do not see that this woman is entitled to relief. We cannot depart from strict justice in this matter for any consideration. She has not shown in any way that she is entitled to our sympathy; she has not shown that she has done her part to live with this man and to observe the solemn vows that she took on herself. If you pass a Bill like this you are doing a wrong to the public morals of this community. We must do justice to everybody, and this woman is not entitled to our clemency or charity, because she has been herself the transgressor. She shows no desire on her part, no effort of any kind, to treat him as a husband ought to be treated. She says they did not cohabit together. There is no evidence to the contrary, but it is a strange thing to me if they did not. It is a strange thing if, after being married, and he coming to the house some weeks or months afterwards, that there was no cohabitation. It seems to be contrary to the husband's rights and duties, and contrary to the obligations imposed upon him and her by the marriage ceremony that there was no cohabitation. This is a matter which does not tend in her favor, but rather condemns her. Therefore, as a change should not be made in our practice, we should not dissolve the marriage tie on such a pretext as this. She has not shown that he has failed in any way to perform his duty, and I do hope the House will hesitate before they relieve this woman from the obligation which she has imposed on herself under this contract. I will conclude by reading some notes that I have made on this case. They are as follows:—

"At what age can parties marry?—14 in males and 12 females. (*See* Robinson, C.J., in Regina *vs.* Bill, 15 U.C.Q.B.; p. 289); again in Regina *vs.* Robinson, 21 U.C.Q.B., p. 353; Hammick on Marriage and Divorce, Law of England, p. 43; Stewart, Marriage and Divorce, S. 56, note 3, Bishop, 6th ed., vol. 1, S. 144.

"Bishop, 6th ed., vol. 1, s. 122, p. 101—Nature of consent requisite between the parties. Must be a present assumption of the statute, *ibid.* s. 229; (*see* Stewart, Marriage and Divorce, chap. 14, s. 80 and 101); also *see* Hammick, Marriage Law of England, p. 3.

"To make marriage invalid it must appear beyond question that the marriage was the effect of compulsion, and that there was an absolute unwillingness, or almost apparent consent influenced by fear of violence, *ibid.* p. 49." "Consent is the efficient cause." Bishop, 6th ed., vol. 1, s. 229.

There is no suggestion in this case, or in the evidence, of mistake, fraud or violence.

As to consent of parents or guardians of minors: Before Lord Hardwick's Act, 22 George II., chap. 33. The absence of such consent did not affect the validity of a marriage (Hammick, p. 52), nor does it under the present Marriage Act in England. Under Lord Hardwick's Act marriages by license, where one party was a minor (not being a widower or widow), where the consent of parents or guardians was not given, were null and void. Not so marriage by banns, where the banns were

not forbidden, *ibid.* p. 52; *vide etiam* p. 57, *in fine* and S. 6, p. 59."

"Consent of parents, licenses, etc., etc., though all of some or them are everywhere necessary to the legality of a marriage, are nowhere, under English or American law, necessary to the validity of a marriage. They are not so by the pre-existing law, and no statute has made them so." Stewart. Marriage and Divorce, sec. 91 and 97, and authorities in notes 6 and 7. *Vide* Bishop, Marriage and Divorce, 6th ed., vols. 1, sec. 283 and 284. How statutes providing formalities are to be interpreted, *vide ibid.* sec. 293, 294 Rex. *vs.* Birmingham, 8 B. and C. 29; *vide etiam* opinion of Sewell, Attorney General of Jamaica, in Mr. Crewe's case, as marriage not being void when solemnized without a license, even when statutes made it penal for the clergyman to do so. *See* Lawles *vs.* Chamberlain, 18 Ontario Reports, 296. Macqueen, House of Lords Practice, page 599. As to whether Lord Hardwick's Act 26 George II., chap. 33, is in force in Ontario, *Query*, Regina *vs.* Seekin, 14 U. C. Q. B. 604, *semble* it is not. Regina *vs.* Bell, 15 U. C. Q. B., 287. *Semble* that in any case section 11 of that Act is not in force in this country, and that marriage was not void. Regina *vs.* Roblin, 21 U. C. Q. B. 352. *Note.*—The marriage in Regina *vs.* Roblin was afterwards dissolved by the Parliament of Canada on the ground of adultery. Stevenson's Divorce, 32 and 33 Vic., chap. 75, in statutes of 1870, P. V.

Note.—The case of Scott, falsely called Sebright *vs.* Sebright (12 P. O., 21), cited by counsel for petitioner, is not in point. There the marriage was held a nullity on the ground of want of consent, the form having been gone through under gross fraud and violence, and then if they did not mean marriage, there would be no marriage to dissolve.

Consummation is not necessary to the validity of a marriage. The general maxim, "*Consensus non concubitus facit matrimonium*," Bishop's Marriage and Divorce, 6th edition, vol. 1, sec. 228, and authorities there cited. This is only in the absence of a celebration that the necessity of a consummation can be considered. Stewart, Marriageand Divorce, sec. 102. The above applies to marriage contract *per verba de futuro* "but in general no consummation is necessary to the validity of a marriage whether it be formed by celebration or by mere consent." "*Consensus non concubitus facit matrimonium.*" Thus a marriage is valid though one of the parties absolutely refused intercourse or abandoned the other at once. * * * Sexual intercourse is, however, a marriage right, and gives rise to various questions." Stewart, s. 104, and authorities in notes thereto (24th March, 1890).

The Ontario Statute applying to marriage is Revised Statutes of Ontario (1887), chapter 181, containing same provisions as Revised Statutes of Ontario, 1887, chapter 124. It contains no provisions for nullity of a marriage if its requirements are not complied with. The license in this case (Exhibit 1) is the license referred to in Section 2. The Parliament of Canada has never granted any divorce except on grounds of adultery. The Stevenson case 32-33 Vic. chap. 75 (1869), to be found at page V, Statutes of 1870, and the Lavelle case, 50–51 Vict., chap. 128 (1887), are no exceptions to this rule. In the former adultery is specifically alleged in the preamble; in the latter, in which I was chairman of the committee, though the objectionable words "bigamy and adultery" were struck out, the preamble alleges (I wish hon. gentlemen to pay particular attention to this) that the respondent has since been living and cohabiting with a third person." But in both cases the adultery was made the ostensible ground, the other circumstances being really the effective grounds of the Bill. I am opposed to the granting of divorce on the grounds contained in this Bill; yet the question whether this Bill should pass is one purely of public policy. The Senate has undoubtedly power to grant a divorce for any case whatever, and is not bound by any precedent other than as a *ratio decidendi.*

HON. MR. O'DONOHOE—If this had been an ordinary case of divorce I should not have a word to say *pro* or *con*, but it seems to me that this is not an ordinary case, and I felt rather surprised, on reading the report, that after such evidence had been adduced there was anything more to be said about the matter. Clearly there is no need of going into the preliminaries that led up to that marriage. The marriage was solemnized — perfectly solemnized. The petitioner states how it was solemnized, and she states also that they courted long before it was solemnized, and that

the intention was that they were to be married. The intention in that, as in other contracts, is very important. There is no question then of the validity of the marriage. It is not alleged in the evidence, or by any person whom I have heard say anything about it. that there was any defect in the marriage bond. If there was no defect in the marriage bond we must take that ceremony for all purposes to have been a valid marriage. If it was a valid marriage, before there is any competency to come to this court for relief there must be a violation—there must be what my learned friend has adverted to—I will call it a matrimonial offence, to give jurisdiction in this House unless we violate all the precedents and practice of this House and of the British Parliament on this subject. There are, therefore, two points to be looked at. First, was there a valid marriage? There is no contesting that. Then, if there is no matrimonial offence against that marriage there is no right to come before this court, any more than under any other civil contract. Is this House going to establish a precedent by allowing any two who chose to take a course like this to ask Parliament to arbitrate for their relief? I trust not. I hope the inclination of this House is not to enlarge the sphere of interference with marriage contracts. I can find no case that would be a precedent for this particular case. There are lots of cases in the books of mock marriages—marriages brought about in mirth, and in fun. Such marriages will not be allowed to stand when it is the intention of the parties that they should not. That is the distinction; but where the intention of the parties is clearly established, that there was an intention of marriage, and that there was a marriage, the matter is different—you cannot set aside such a contract. "It is remarkable," says Bishop, on Marriage and Divorce, "that this question has received very little judicial elucidation in this country. Among the follies with which people are sometimes chargeable are mock marriages. Now, if two persons, after going through with a sufficient ceremony, are therefore married, though neither of them intended to be, no subsequent mutual disregard of the bond can undo it." Now, that is very strong. Then, speaking of intention, which is so clearly expressed here, he says: "On this subject" (that is, of mock marriages) "however, there is a late New Jersey case which is quite distinct and satisfactory. It was there laid down that intention is an essential ingredient of the contract of present marriage, the same as in every other contract; consequently, the marriage ceremony that is gone through in jest does not make the parties husband and wife, and it is so, even though the ceremony is conducted by an official person, authorized to perform the ceremony." Now, the language of this applicant is that there was an intention to get married. Of course, of that there can be no question at all. There was a marriage, and there is no offence against that marriage: and why, I ask, should it come into this House any more than any other civil contract? I have no doubt at all that the leader of the Government will take good care to give us his view of this case, and will not lend any assistance towards making it a precedent for the House to be troubled with such cases in the future.

HON. MR. DICKEY—As I was chairman of the committee at the time the evidence was given in this case and the counsel were heard, it may be expected that, as a matter of duty, I should express what my view of the case is. I confess, after listening to my hon. friend from Lunenburg, that I found it difficult to understand exactly where he was, for my hon. friend from Hamilton (Mr. Sanford) had moved the adoption of the report, and if I recollect, rather from the effect of what he said than his words, the hon. gentleman from Lunenburg is opposed to it.

HON. MR. KAULBACH—In my official capacity as chairman of the committee, I presented the report. I did not move its adoption.

HON. MR. DICKEY—Then, I am right in concluding that my hon. friend is against the report; but he has not given us any indication of how the report came to be adopted, the chairman being against it. However, with regard to one principle he has enunciated, I entirely concur, and that is the principle that where there has been a valid marriage between parties competent to make the contract that marriage should not be voided, save for adultery. In the next place, there is another principle involved, that a marriage

may be void, or a marriage may be voidable—that is, capable of being made void.

HON. MR. KAULBACH—No; there is no such rule. There is no incohate or voidable marriage.

HON. MR. DICKEY—I have no hesitation in agreeing also with my hon. friend that the marriage in the present case was not a void marriage. I admit that fully, but I am bound to say that it was a voidable marriage. And why? Because it was a marriage by two minors.

HON. MR. POWER—That does not appear from the evidence.

HON. MR. DICKEY—It is quite clear from the evidence that the petitioner was not of age, and it is clear to my recollection, from hearing the evidence, that the other party was not of age. But let me state the proposition that if the parties to that contract were minors they were not capable of making that contract without the consent of their parents or guardians, and that element constitutes what I call a voidable marriage, though the hon. gentleman from Lunenburg seems to think there is no distinction.

HON. MR. KAULBACH—There is not in law.

HON. MR. DICKEY—Why and how? For example, suppose that marriage is consummated, the parties cohabit together and live as man and wife? In that case I take it the marriage cannot be interfered with, except for the cause which I have mentioned. These are plain principles with regard to marriages, and I content myself by stating that there are two or three things perfectly clear which cannot be disputed in this case. One of these is, that this was a marriage, not only without the consent of the parents of this young lady, a minor, but against their expressed will, as far as we know, and we have that from the testimony of the girl herself; and her sister clearly demonstrated, without contradiction, that it was a marriage entirely without the consent or knowledge of the father or mother. And that that was true is evidenced by the fact that months afterwards, when for the first time the unfortunate survivor of these two parents first heard that her daughter had gone through the ceremony of marriage with this man, she was struck down with a fit of paralysis. There is no dispute about the facts; the marriage was never consummated. They never lived together as man and wife. There was no cohabitation, and as far as that goes, the marriage is a voidable one, though it has never been made void. I do not wish to go into the evidence, because there are other gentlemen on the committee, I presume, who may not be in favor of the report, and they will speak for themselves; but I have yet to learn that I can be contradicted in my statement of the facts by any member of the committee. Reference has been made to the Lavalle case. That was a case something like this, but unlike it in this respect, that it was an application by the so-called husband to get rid of the marriage with his wife, who was a minor. The cases are reversed. I do not wish to go into the whole history of it, but it was a marriage made as this was, without the consent of the parents, and concealed from the parents, as it was in this case, and some considerable time afterwards this girl, who was then 17 or 18 years of age, naturally, under the feelings which animated her sex, became attached to another person who offered her marriage, and she went to her husband and told him that she must take steps to have the marriage ceremony that had been between them set aside. A correspondence took place, and the result was that it appeared by the preamble of that Bill that she lived with another man. The evidence was brought before this House and the report of the Select Committee recommended the passing of the Bill, but with an amendment that carried the implication that the respondent was guilty of adultery. This seemed to shock the feelings of some hon. gentlemen, especially of one hon. member who is absent, Judge Gowan, and Mr. Vidal, and they raised certain objections, and the result was, as I find it laid down in Mr. Gemmill's work on Divorce: "The Bill was accordingly amended in Committee of the Whole House, and parts of the preamble charging adultery by respondent were eliminated, and the character of the Bill was completely changed from an ordinary Bill of divorce into a Bill declaring the first marriage void," as in this case. The operative clause being the same as in the Stevenson case, namely, "The said marriage between the parties is and shall be henceforth null

and void to all intents and purposes whatsoever." "The Bill was read the third time and passed." Now, that is a precedent. Let me say that if in the Lavalle case, or if in this case, there was evidence of adultery, there would be nothing to talk about either of voidable marriages or consent of parents, for that would have settled the case; but in the Lavalle case they insisted on striking out this clause relating to adultery, and simply declared the marriage null and void, and allowed the parties to marry again.

HON. MR. READ (Quinté).—As a member of the committee who heard the evidence in this case, perhaps it would be well for me to say a few words on this question. I think the committee were all agreed, except the chairman, on their report, and I think they took this ground, that relief should be granted in this case, because it could be obtained by either party committing the crime of adultery. They said: Would it not be better that these people should get relief under this Bill than one should commit a crime by which they could almost demand relief? I think that was the feeling of the committee, as far as I could understand it. If it was not, I stand corrected, but it was my opinion. Is it not a fact that laws are being repealed all the time—that as opinions change in the world other laws are enacted, and if for no cause but adultery can relief be granted by our laws, Parliament is supreme, and can enact just such laws as it thinks proper to meet such cases as this. This Parliament is not bound in its enactments by the laws of any other country; it is only bound by the laws as we enact them ourselves. I may be wrong, for I cannot discuss this question as well as gentlemen learned in the law. There has been a good deal said about this young lady not keeping copies of her own and her husband's letters. Ladies are not like lawyers, accustomed to keep their papers and never destroy them. The respondent in this case never treated the girl as his wife. It was his duty to seek after his bride. It was not her duty to hunt him up. It is not the ordinary state of things that a young woman who has married should hunt up her husband; it is generally the other way. In this case he does not seem to have done anything of the kind; he seems to have deserted her after the marriage ceremony, which was performed without the consent of the parents, in a secret manner, and intended to be kept secret.

HON. MR. ALMON—I should not have spoken in this case, but I am unwilling to vote against the majority of the committee, which I intend to do, without giving my reasons. If it is established, as pointed out by the hon. member from Toronto, that no divorce can be granted in this House except on the ground of adultery, it is very clear that this is a legal marriage, because it is a mere quibble to say that a girl of twenty and a few months is not twenty-one, and, therefore, does not know her own mind when she is getting married. My impression was that, under the law, a girl of eighteen is competent to give consent to marriage. As this marriage has been proved, and no adultery has been proved, I think the contract cannot be annulled. I was astonished to hear the hon. gentleman from Lunenburg, who is presumed to have a good deal of experience in this matter, say that ladies generally keep copies of their letters. I should say that it is a good thing for the hon. gentlemen if they destroyed all the locks of hair they got from him, let alone the letters. The hon. gentleman from Quinté has told us that the majority of the committee gave as a reason for recommending this divorce, that if they did not do it this girl, driven to despair, might commit adultery, to get a legal divorce. That puts me in the mind of the girl who made application to be admitted to the Magdalen Asylum and was refused. She asked the reason why she was refused, and she was told it was a place only for abandoned women, and was asked if she was not a decent woman: "Yes; I am now" she said, "but there is no reason why I should not qualify." I am afraid that is the way with this committee—they allow their feelings for this petitioner to mislead them into doing what they know is not right. She may be an attractive looking woman, but from her evidence I am strongly prepossessed against her. She married this man against the wishes of her mother, who was then only a widow one fortnight, and against the dying wishes of her father, who had warned her against this man—against her sister's warning, who says he was an idle fellow, and that she was opposed to it. Therefore,

not having seen her, though she may have been very good looking, my feelings are entirely against her, and I cannot in justice grant a divorce, and I simply will not vote for it.

HON. MR. LOUGHEED—As a member of the committee, I would ask the indulgence of the House while I make a few statements relative to this Bill. Before touching upon the facts of the case, I might observe that the principal consideration which entered into the minds of the committee in framing this report was based upon this fact: that in the first place Parliament is not limited by any means in granting whatever relief may be sought, and that if the circumstances are of such a nature as to warrant the intervention of Parliament, the committee might consider itself justified in placing those circumstances before the House, and recommend to the House to grant the relief sought for. We know very well that very few cases of this kind come before Parliament for consideration. There are very few precedents, and very few authorities which might be said to govern a case of this kind. I might observe, in the last place, that my hon. friend from Lunenburg is somewhat astray when he says there are no precedents where divorces have been granted in England for any other crime than adultery. The opinion prevails amongst many members of the profession that the Act 26 George 2nd was in operation in Canada, and that the marriage of minors without the consent of parents was null and void. The mere fact of entering into the marriage was a nullity; but I find several legal decisions of a very recent date holding that owing to the repeal of that Act in England it is not in operation here, and consequently a marriage entered into by minors might be a valid marriage. So that there are numerous cases in England, and, I have no doubt, in Canada, in which minors entering into a marriage entered into a null and void contract. If this Act had been in operation here, as is contended by some lawyers, even at the present time, this marriage would have been null and void; therefore, I think this is a case worthy the consideration of this House. It turns upon this very delicate point: This Senate would not for one moment hesitate to grant the relief sought for if it were held that that Act was in force. The tendency of modern law has been to relax the legal restrictions which have been placed upon marriage. That, I think, is generally admitted, and there is a greater relaxation now than there was half a century ago. At that time this marriage would have been null and void. If we come to the conclusion that because by an Act of the English Parliament, this Act that I refer to, 26 George 2nd, was repealed, therefore, it must necessarily alter not only the law of this country, but alter the position which would be taken as well as the principle contained therein by this House with respect to a marriage of this nature. Therefore, I say that half a century ago, where such a marriage as this would have been a nullity by reason of the repeal of this Act, hon. gentlemen should not necessarily come to the conclusion that this case is not one for the consideration of this House and the intervention of the powers of this Parliament. I submit that is the very best way we can present this case; leaving out of our consideration the fact that that law has been repealed, then should not the law be to-day as it was half a century ago, so far as the moral principle involved therein is concerned, and with the tendency which I adverted to a moment ago as to the general relaxation of principle in respect to granting relief in matters of marriage, why should we not exercise the power which is inherently vested in this House, the same as a court would exercise it half a century ago, before the repeal of the Act? The functions of Parliament are of such an extraordinary a nature that it is proper for them to exercise those functions on extraordinary occasions. We have frequently brought before us cases in which it is considered proper that Parliament should exercise its powers relative to circumstances which warrant its action. I say in this case the circumstances fully warrant our interference. In the first place, we have come to the conclusion that there was a marriage in this case; we have come to the conclusion that there was a technical marriage, but those elements which enter into a marriage in fact did not come into this marriage. There are extenuating circumstances attendant upon it which make it in the strictest sense of the word a technical marriage. We find that this couple entered into the marriage without the consent of their parents, being minors. This is a consideration which

should not be lost sight of, and which was an element a few years ago that would of itself have rendered the marriage null and void.

HON. MR. POWER—Will the hon. gentleman point out in the evidence where the man is a minor?

HON. MR. LOUGHEED—The statement was made before the committee, and the committee were satisfied that the man was a minor though looking over the examination as taken by the stenographer I do not find that the statement is given as evidence. But the committee thoroughly satisfied themselves that the two were minors. At all events, she was a minor, and under the Act of George the 2nd the marriage would have been void. The next factor which enters into our consideration in this case lies here, that these two did not comprehend the nature of the solemn contract into which they had entered. That must be apparent to all gentlemen who read the evidence, for we find from the woman's evidence that the husband never made any statement to her after the marriage contract had been entered into as to their performing the functions which relate to the marriage. He never provided for her a house; he never made any preparation to give her a home; he never intimated that he would support her; he never spoke to her about future intentions, but I find him casually visiting her on a couple of occasions, and then absolutely deserting her, and having no correspondence whatever with her until a date long subsequent. She states in her evidence that she did no comprehend that she was his wife at the time. She states that distinctly, that she did not comprehend the act that was solemnized, or that she was a wife in anything but in name. The hon. gentleman from Lunenburg, I might say, has endeavored in every possible way to torture the evidence that has been adduced for the purpose of leading this House to a conclusion which is really contrary to the facts found by the committee. My hon. friend prefaced his remarks by saying that he was pleased to state to the House that the committee were unanimous in their finding of the facts, but I must demur from the statement of the hon. gentleman when I take into consideration the fact that he endeavored to impress upon this House that we came to the conclusion on facts which are entirely at variance with the merits of the case. I say that the committee were unanimous in the conclusion at which they arrived relative to the merits of the case, and that the woman did everything which devolved upon her relative to merits which would warrant us in granting the relief which is sought, were it not for the barrier which raised itself before the hon. gentleman's vision, namely, that we could not grant divorce here except for adultery. The hon. gentleman stated to the committee that were it not for that he should be pleased to support the Bill. I say here, my hon. friend's version and review of the facts would be entirely at variance with the finding to which I have referred. Speaking of precedents, I submit to the House that the Lavalle case is a precedent which would justify the House in granting the relief here sought for. When we speak of precedents or authorities we must take an Act of Parliament as we find it—we must read the Act as it appears on its face and interpret it accordingly. Now, if hon. gentlemen will look at this Act they will find it exceptional in this respect, that Parliament has declared that "the marriage was null and void." To declare that the marriage in the Lavalle case was null and void, it must refer to facts antecedent to the marriage that was entered into with Fralick—the second marriage. If you look at the enacting clause of chap. 128, 51 Vic., you will find that Parliament declared this marriage to "to have been null and void and the same is hereby annulled to all intents and purposes whatever." That is to say, that Parliament declares by this Act that when this marriage was entered into it was a null and void act, and no marriage, and therefore I say that Parliament has placed upon the Statute-book here a precedent which is on all fours with the case before us. This marriage of William Arthur Lavelle was entered into the same manner as Emily Walker entered into marriage, yet we find Parliament declaring that although they entered into that marriage, and had not consummated the marriage though there was a performance of the ceremony, the same as in this case before us, that that marriage was null and void. Now, Parliament having declared that it does not rest with hon. gentlemen to say that that declaration could have alluded to some subsequent event

after the marriage had occurred. I say it related back to the time antecedent to her cohabitation with Fralick. You are asked by the petition to declare that this marriage is null and void. It was the intention of the committee to report to the House that it was desirable to pass the Bill in that form, and this House could have passed it. This Act for the relief of William Arthur Lavalle is directly in point. Now, I submit that the intervention of Parliament is asked for on the ground of public policy. It is in the interest of public morality that this relief should be given. We know very well that by the commission of a criminal act by the man, the act of adultery, these people could claim the relief which they now seek. Are we to place these two persons in such a position that they may be induced to commit a criminal act for the purpose of obtaining the relief which they now ask for? Furthermore, I say this, in the interest of public policy, that those people should not be driven across to the United States where that relief can be obtained. Consequently, I say it is not in the interests of public policy that an iron rule should be followed here possessed of no elasticity whatever. Under the circumstances of the case, the House should grant the relief that is sought.

HON. MR. POWER—As a rule, I do not take part in discussions on divorce Bills, and if this were an ordinary case of divorce, where, according to the rules generally followed in this court, the grounds for divorce had been established, I should not say anything; but to my mind it is a case so remarkable as to call for attention from every member of the court. We are here as members of a court. The hon. member from Calgary finding that there is really no precedent for what we are asked to do, either before this court or before any other court, has to fall back upon the omnipotence of Parliament, which, as some English writer once said, has power to do everything except to make a man a woman. We have heretofore been guided in this court by precedent, and it has been an established rule that unless adultery was proved, there should be no divorce. The hon. gentleman told us that the Lavalle case was a precedent exactly in point. Now I think there were some serious differences betwee this case and the Lavalle case. In the latter the parties were married under false names. They do not appear to have been altogether in earnest, whereas in this case we have the testimony of the petitioner that she was perfectly in earnest and knew what she was doing. In the Lavalle case it was shown that the person against whom the divorce was sought, had gone through the ceremony of marriage with another man and had cohabited with him for a long time—had actually been committing adultery for a number of years, and so there was the clearest possible ground for granting the divorce, according to the rules which govern this Parliament. It is perfectly true that members of this House, influenced largely by a feeling of sympathy with the family of the woman in the Lavalle case, asked that the Bill should be worded in such a way as not to declare in so many words that the woman had been guilty of adultery; but the fact that she had been guilty of adultery was recognized and admitted. Now there is nothing of that sort in this case—nothing whatever. The hon. gentleman, too, told us that we ought to grant this divorce because otherwise the parties might go to the United States and get a divorce there. That is a most extraordinary ground to take. It is simply this: we are asked to do a thing that is wrong and indefensible, because if we do not do it some one else may. He might as well suggest that we should kill a man because if we did not kill him he would be killed by somebody else. I do not think that that sort of logic will commend itself to the good judgment of a majority of this House, and I hope it will not. The preamble to this Bill says that these people were married. The preamble of the Bill as reported by the committee admits the marriage; it could not very well deny it. Then the hon. gentleman referred to the marriages of minors, and suggested that the 26 George 2 really ought to be held to be in force here. That was a statute which I think was not a very wise one, perhaps, at any time. It was felt in England to be so unwise that it was desirable to repeal it, and it has been repealed; but it was held before the actual repeal in England that the statute was not in force in Canada. So any argument built on that old statute is not good for very much. What are the facts? We have to go here by the evi-

dence, and not by the allegations in the preamble of the Bill and in the petition. In the evidence which has been submitted by the committee there is nothing whatever to indicate that the husband was not of full age. The girl is spoken of as a minor; she was twenty years and six months old. Now, here we have everything that is necessary to a valid marriage. These were parties competent to contract. There was a man who, as far as we know, was over twenty-one years, and the woman almost twenty-one. These parties had been engaged for twelve months. It was not a sudden thing at all; there is no fraud on the part of the husband to bring about the marriage and no compulsion alleged. If ever there was a valid contract entered into by parties with their eyes open this is one. After having been engaged for twelve months these people go to a clergyman of the Church of England, and are married, not under false names but under their own names. Now, what is the evidence? The question is asked:

"Q. Had you agreed to go through the ceremony with this man?—A. We agreed to be married slily, about three weeks before, but I did not know anything about the arrangement until the day before.

"Q. At that time, did you consider you were going to be married, or was it simply some little lark on your part?—A. It was not any lark. We both understood we wanted to be married.

"Q. And you went there with a serious intention of being married?—A. Yes.

"Q. And living as man and wife?—A. Yes.

"Q. Was there any understanding beforehand that you were not to live together as man and wife?—A. Nothing of that kind. Of course I should never have married him had I known his circumstances—had I known he was not in a position to keep a wife."

Some hon. gentlemen say "hear, hear" to that. I think that is an extraordinary avowal for a young woman to make, that she was not marrying a man but marrying his property. If the fact that the party married does not turn out to be as well off as the other party to the contract thought before the contract was made is ground for voiding a marriage, there will be a great many marriages voidable. She says:

"I understood I was going home for a while. He gave me to understand he was getting a good salary, and he told me the figures. Had I known he was not in such a position I would never have consented to this."

And ten months afterwards, when she was of age, she recognized the marriage by having her mother told about it. Here we have, as I say, a marriage as good as ever was entered into, and on what ground are we asked to set that marriage aside? It has not been proved that there was any adultery on the part of the husband; it has not been proved that there was any cruelty, not insinuated that there was, and it has not been proved that there was any desertion. It has been hinted by some one that there was desertion, but there is no evidence of it. As far as we can judge from the woman's evidence at page 6, she refused to live with the man more than he refused to live with her. There is no allegation whatever on her part of desertion. If she had alleged desertion she should be prepared to offer evidence that she was willing to consort with him. These proceedings have been altogether *ex parte*. We have before us now the evidence solely of the petitioner. If we had had the other side of the story we probably would have had a very different kind of case, but even with this *ex parte* statement and with no one representing the husband we have really no ground at all upon which this court could be called upon solemnly to put asunder those people whom God has joined together. If it is sufficient to set aside a marriage because it turns out that the man's circumstances are not quite as good as the woman fancied they were before the ceremony, we shall have plenty of applications I presume. One might almost fancy that some of the reasons which are ridiculed in this country as being held good in the United States courts for granting a divorce would soon be recognized here—the fact that a man's beard is not of the right color, or some similar reason, would soon be held by this court sufficient ground for severing the marriage tie. As I said before, I should not have said anything in connection with this Bill were it not for its extraordinary character. Very strange things have gone abroad about this Senate during the last few months, statements with respect to our mode of transacting business have been published in newspapers, even in England, which are calculated to throw much discredit upon the Senate, but I can fancy nothing that would be more calculated to discredit the Senate than the fact that we had passed a Bill to divorce a couple, simply because after the parties had been validly married the woman found the man was not as well off as she thought he was.

HON. MR. MCCLELAN—My opinion is, that so far as discredit to the Senate is concerned, it might deserve it if we refused to pass the Bill. As a member of the committee, and one of the six who agreed to report this Bill without much difficulty after hearing the evidence, I must say that this is a case, whether there is a precedent for it not, in which the Senate should grant the legislation sought. If there is no precedent we should make one. I cannot see why we should not act on the same grounds as Parliaments have acted when precedents were first established. If this is a case that is entirely new and exceptional it is one that is not likely to occur again; and if a similar case should occur again this could be quoted as a precedent. I think we are justified in taking into consideration the circumstances of this unfortunate affair, and granting the separation as requested by the petitioner. Whether we have a precedent or not, I think we should pass the Bill. However, from the working of the Bill in the Lavalle case, I think that that would be a precedent for those who really require one, because in that particular case it was stated that inasmuch as the consummation of the marriage was not entirely proven, therefore the Bill should be granted. So far as that goes it is a good precedent for this case, because no one disputes the fact that it was made clear that the marriage in this instance was not consummated. But there are other circumstances which have been brought forward by my hon. friend from Amherst, who acted as chairman of the committee during the progress of the investigation of this case. There was the fact of its being a marriage of minors, or at least the bride was a minor, and we have had sufficient evidence to justify us in concluding that they were both minors at the time of the ceremony. We have the fact that the marriage was clandestine, and contrary to the wish and inclination of the young lady's parents. The father of the young lady died, unfortunately, two or three weeks before the ceremony took place. Ten months after the ceremony the mother, on finding out the fact that her only remaining daughter had contracted this marriage, immediately fainted away, and has been afflicted with paralysis ever since. Not only were they minors who could not lawfully contract a marriage without the consent of their parents, but it is stated in the form of license used in Ontario that where any fraud or evasion of truth occurs the contract shall be null and void. That is a matter that does not come within our cognizance, inasmuch as the marriage ceremony makes the marriage a legal one. We have, then, the clandestine nature of the marriage, the fact of their being minors, the absence of the consent of the parents and guardians, the fact that there was no consummation whatever of the marriage, and in point of fact the desertion on the part of the husband, because what constitutes desertion is when the husband fails to provide a home and do those things which a husband would naturally be expected to do. There was not only no evidence to show that he had provided such a home, no evidence to show that he invited his wife to live with him, but shortly after the ceremony he left her at her father's house. There was no consummation of the marriage, no cohabitation, and soon afterwards he went to Texas to live, and from there he has written letters to her, addressed to her in her maiden name. It was not set up at all, and was not considered a necessary part of the investigation or conclusion of this case, that the Lavalle case was an exact precedent. It was not considered—I can only speak for myself—that it was absolutely necessary that we should follow that precedent, or that we should search out any particular precedent applying to this case, but we felt that the circumstances of this particular case were such that Parliament would be justified, and not only justified, but would be doing their duty, to grant this Bill, and hence they came to such a unanimous conclusion to recommend it to the House. I firmly believe if there is any discredit to be attached to the Senate—and I am sure there will not be any whichever way they decide—the discredit ought more surely to rest on them for rejecting this Bill than for passing it.

HON. MR. ABBOTT—I do not propose to prolong the discussion, but I have learned something from my hon. friend from Halifax which I did not know before, and I wish to say a few words about it. I have lived all my life in the Province of Quebec, where we have judges and courts as respectable and as much honored and

respected throughout the world as any courts and judges in other parts of the Dominion of Canada or England, and ever since I have been able to understand public affairs I have been in the habit of seeing those judges in those courts doing precisely what we are asked to-day to do—setting aside marriages between minors, or between a minor and a major, contracted without the consent of their parents. That is the law at this moment in at least one-third of the Dominion of Canada, and I cannot agree with my hon. friend from Halifax in believing that the Senate is so ridiculous or contemptible as to be held up to the scorn of the whole world because it acts on the proposition that minors cannot marry without the consent of their parents, or that the Senate by passing this Bill will be dragged down to the low level of Quebec. I propose to vote for this Bill and I desired to give my reason for doing so. I did not wish to be held up as consenting to something which was going to have such a baneful effect on the character of the Senate, and I think it only right to say that if the Senate is to be discredited by passing this Bill it will be discredited in company with all the courts of justice and the laws which have existed since the Province of Quebec was settled, and which prevail there now.

HON. MR. BELLEROSE—I should like to know whether, under the laws of Ontario, a marriage with minors without the consent of their parents is void? In Quebec minors cannot contract a marriage and the courts can declare such a contract null. If in Ontario there is no such law, then it will make a difference with us. In one instance we will have to vote for the report; in the other we will have to vote against it. I should like to have an answer to this question from some lawyer in the Province of Ontario.

HON. MR. DICKEY—The principle is the same in both Provinces.

HON. MR. POWER—In Ontario it is not. The Ontario courts have decided the other way.

HON. MR. MASSON—The question is, whether, in the Province of Ontario, they have relief by law.

HON. MR. DICKEY—No.

HON. MR. MASSON—Am I to understand that in the Province of Ontario minors can contract marriage?

HON. MR. POWER—Yes.

HON. MR. MASSON—If that is so, the sooner Ontario passes a law to prevent such marriages the better.

HON. MR. O'DONOHOE—In Ontario the marriage contract between minors is like any other contract between minors; if it is brought before a court before it is consummated by cohabitation it can be annulled and the contract set aside. Minors are not competent in Ontario to make a contract of any kind. They are all voidable contracts when made by minors, but the place to try whether they are void or voidable is in the courts, not before Parliament.

HON. MR. DICKEY—I have under my hand a decision of Chancellor Boyd in a recent case, Lawless *vs.* Chamberlain, which puts it beyond all question that the ordinary courts cannot grant relief in this case, and Parliament is the only tribunal that can be appealed to.

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

CONTENTS:

Hon. Messrs.

Abbott,	MacInnes (Burlington),
Cochrane,	Merner,
Dickey,	Montgomery,
Glasier,	Perley,
Haythorne,	Read (Quinté),
Lewin,	Reesor,
Lougheed,	Reid (Cariboo),
McClelan,	Sanford,
McKay,	Stevens,
McKindsey,	Sutherland,
Macdonald (B.C.),	Vidal.—22.

NON-CONTENTS:

Hon. Messrs.

Almon,	McCallum,
Bellerose,	O'Donohoe,
Boucherville, de,	Pâquet,
Clemow,	Poirier,
DeBlois,	Power,
Dever,	Prowse,
Grant,	Robitaille,
Guévremont,	Ross,
Kaulbach,	Sullivan.—19.
Masson,	

HON. MR. SANFORD moved that the Bill be read the third time to-morrow.

The motion was agreed to

The Senate adjourned at 6.10 p.m.

THE SENATE.

Ottawa, Thursday, April 17th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

SECOND READINGS.

Bill (63) "An Act to incorporate the Home Life Association of Canada." (Mr. McMillen.)

Bill (98) "An Act to confer on the Commissioner of Patents certain powers for the relief of George T. Smith." (Mr. MacInnes.)

THE PRINCE EDWARD ISLAND SUBWAY.

MOTION.

HON. MR. HOWLAN moved the following resolution :—

Resolved, That this House recommend to the favorable consideration of the Government the appointment of a Board of Civil Engineers, accustomed to hydraulic works, and works altogether or principally in the water, with a view of ascertaining—1st. The feasibility of construction and maintenance and the cost of a metallic subway across the Straits of Northumberland, commencing at or near Cape Traverse, in Prince Edward Island. 2nd. Any other plan which they can recommend to fulfil the terms of Confederation made with the Province of Prince Edward Island, viz.: "To establish and maintain efficient steam service for the conveyance of mails and passengers between the Island and the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion."

He said: Some little apology ought to be offered by myself to the House for again bringing forward this question. Many have thought that I permitted the subject to drop, as I had no faith in the practicability of the construction of a subway under the Straits. Such is not the fact. I have never lost faith in the work, but as there were other similar structures being built in different parts of the world, and one, particularly, near ourselves, I thought it would be a good thing to wait until some progress had been made in the construction of the one near home on the plan then proposed. During last year a subway has been in course of construction under the St. Clair River, which passes through a material very much like that under the Straits of Northumberland, and although the subway is not of the same length or extent as the one proposed at Prince Edward Island, still sufficient information has been acquired to strengthen the opinion and belief that a subway could be constructed to unite Prince Edward Island with the mainland. I will read to the House a report of comments made upon the building of this subway at a meeting of the Institute of Canadian Engineers by the president, Colonel Gzowski. It is taken from the *Empire* newspaper, and is as follows :—

"The St. Clair Tunnel, under the Detroit River, to connect the Grand Trunk system in Canada with its connections in the United States at Sarnia.—The total length of the tunnel with approaches will be two miles and 1,145 feet. The length from face to face of the portals is 6,000 feet. The depth of an open cutting at the east (Canadian side) of the tunnel is 62 feet; at the west (United States end), 52 feet. The length of that part which is under water will be 2,310, feet with a gradient to the west, rising 1 foot in 1,000. The greatest depth of the River St. Clair on the line of the tunnel is 40½ feet. The minimum thickness of the roof is 16 feet. The bottom of the tunnel is about 10 feet above the rock underlying the clay. This has been ascertained by very accurate soundings and borings taken near the line of the tunnel at each 20 feet. It may be well to say that the flow of gas was found immediately above the rock, indicating that its source was in or below that strata, the gas escaping through fissures in the rock. Locating the bottom of the tunnel above the rock and yet securing sufficient thickness of material to support the roof was in order to avoid meeting with gas. The material through which the tunnel is driven is clay, with pockets of wet sand and gravel. The tunnel in cross section is circular, with an inside diameter of 19 feet 10 inches. It is a circular tube, lined throughout with flanged plates of cast iron, 2 inches thick, 5 feet long, bolted together. The ends of these plates are planed to make a close joint, and before being used they are heated and soaked in tar. The lower half of the lining is encased outside in 3 inches of grout, formed of the best Portland cement and coarse, sharp sand. Holes are made in the upper part of each plate, through which the grout is poured in. Under the river the whole of the outside of the cast iron lining will be covered in this way. In the prosecution of the work an iron shield is used, under the protection of which the excavation is carried on, enough to enclose the cast iron lining, and as the excavation in front of it is advanced it is moved forward just far enough to put together one section of the tunnel lining. As the width of these sections or rings is only 18 inches, and as the rear portion of the shield which encloses the lining overlaps it 39 inches, the forward end of the lining is always within the shield. To ensure safety as far as possible in the event of a sudden strong flow of quicksand or water, an iron diaphragm or bulkhead is built across the shield 48 inches from the rear of it, with two sliding doors which can at once be closed. The total length on both sides of the river of the completed tunnel to 22nd January is 2,006 feet; in Canada, 844 feet, in the United States, 1,162 feet. The time named for the completion of the tunnel is July, 1891.

* * * * * * * * * *

"Early experience in Canada.—The chairman then referred to his early experience in Canada. In 1841 he was appointed to take charge of the construction of all kinds of roads, harbors, lighthouses and bridges. His district extended from Kingston to Sarnia in the west and Owen Sound to Penetanguishene on the north, including about 40 district works. Then 35 to 40 miles a day was considered good travelling, and

was done sometimes on wheels, sometimes in the saddle, sometimes on foot. There were in all about 600 miles of varied classes of roads. To show the novelty in those days of engineering work, I may be allowed to narrate an incident: I had to build a bridge across the River Thames, near London, now within the limits of that city, on the road to Sarnia, to replace a temporary structure then in use. The new bridge was on the Howe truss plan, with the roadway on the bottom chord one span of 160 feet. When this bridge was completed ready for traffic, and just before the removal of the temporary one, I was waited upon by several leading citizens of London, who enquired if I had absolute confidence in the stability of the bridge to carry the heavy traffic that the improved condition of the road would bring upon it. They thought it too light and spidery. Fortunately, batteries of royal artillery were quartered in London. I asked the commanding officer to take them across the bridge to test its strength. He replied: "Yes, if you will agree to stand under it." The batteries crossed the bridge at a walk, then at a trot, without disturbing the camber. That established confidence in the bridge. The introduction of plank and macadam roads gave rise to a desire for better means of communication as their construction gave such striking evidence of great saving of time by the ability to carry heavier loads more rapidly, with reduced wear and tear of horses and vehicles, hence with greater economy of carriage. This practical beneficial evidence pioneered the way to the construction of railways, towards which counties, cities, towns and townships voted subsidies in the form of bonds towards the cost of building them. After 1841 and 1842 there was a rapid development throughout Canada of large enterprises undertaken by the Government and private organizations. The first enlargement of the Welland Canal to 9 feet of water on the mitre sills was commenced in 1842. The earliest railway in Canada, the Laprarie and St. Johns, was built in 1836. The Montreal and Lachine Railway was opened and worked with imported English equipment in 1847. The St. Lawrence and Atlantic Railway (now Grand Trunk) on which I was chief engineer, was opened for traffic to St. Hyacinthe in 1849. The first deepening of a straight channel in Lake St. Peter, upon which I reported with Sir William Logan, General McNeil and Captain Child, of the United States engineers, was begun in 1850. The Bytown and Prescott Railway, known as the St. Lawrence and Ottawa, now part of the Canadian Pacific Railway, was commenced in 1851, and in the same year the Northern Railway from Toronto to Owen Sound, as was also about the same time the Great Western Railway, from the Niagara River to Windsor (now Grand Trunk).

"Canada has now in operation within her borders no less than 13,410 miles of railways, representing a capital of $727,180,448."

Another reason why I did not bring it before the House last year was the fact that the Government had recently placed a steamer called the "Stanley" on the route between Prince Edward Island and the mainland. Last year was her first year, and last season was one of the finest winters in fifty that we have had in Prince Edward Island—in fact, any steamer could last season have performed the service between the Island and the mainland; but I was satisfied that no steamer could perform that service every winter, and felt certain that when we had one of our ordinary winters in Prince Edward Island it would be placed beyond doubt that the opinion entertained was correct. I have no doubt that hon. gentlemen are impressed with the idea that the service is performed and that there is no dissatisfaction in Prince Edward Island on that ground. The steamer is no doubt a good one—in fact, in my judgment too good for the service in which she is. To put the House in possession of the view held by the people of Prince Edward Island on that particular point as a settlement of the question of winter navigation and the fitness of that boat to perform the work, I shall read an extract from a paper published in the interests of the Government in Prince Edward Island. On the 5th of February last the editorial correspondence of the Government paper at Charlottetown says:

"We publish to-day two letters from Ottawa. One was written on the 24th January; the other on the 31st. Both came to hand, together, last evening. How the contract to afford continuous communication for mails and passengers between this Province and the mainland is being performed may be judged by the officials and legislators at Ottawa from this fact: Hundreds of merchants, and thousands of men and women of all sorts and conditions in this country, have received their letters after the same slow and irregular process as *The Examiner*. In a time of comparatively fine weather it has taken the inhabitants of Prince Edward Island just about as long to hear from their business relations and their friends in Canada as it has taken the inhabitants of the rest of Canada to hear from Great Britain and Europe. Persons who live in other parts of Canada can hardly be expected to grapple actively with this question. *We have no doubt that members of the Government fondly imagine that by providing the "Stanley" they have solved the difficulty.*"

That is the view entertained by the Government newspaper there. But the Government of Prince Edward Island have, from time to time, memorialized the Government at Ottawa with regard to the facts. When the terms of Confederation were made, two of the gentlemen, one of whom has now a seat in this House, who negotiated those terms, made it one of the conditions precedent that we should have daily communication for our mails and passengers between the Island and the mainland throughout the year. It will be in the recollection of hon. gentlemen that Prince Edward Island did not come into the Confederation with Nova Scotia and New Brunswick, and the other Provinces, at the time of the Union. It came in some five or six years afterwards, and several overtures were made to the people of Prince Edward Island with regard to their entrance into the Confederation. Two of the terms which enticed our people

were, the settlement of the land question —a question which excited our people a great deal—and winter communication with the neighboring Provinces. We were told at that time that the Provinces were to be all connected together by the building of the Intercolonial Railway, and when we stated that we did not see how we could have any communication with that railway, we were told that ways and means would be provided us, that we would have communication with the mainland, and in order that no misunderstanding might exist about those terms, the words adopted were:

"Efficient steam service for the conveyance of mails and passengers to be established and maintained between the Island and the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion."

These were the terms. Seventeen or eighteen years have intervened since then, and from time to time the Government of Prince Edward Island have memorialized the Government at Ottawa with regard to the difficult position in which they were placed. I do not know that I could possibly express in language of my own the matter so clearly and satisfactorily as it is set out in the memorials which I hold in my hand. Two memorials came from the Government of Prince Edward Island to Ottawa. The first was previous to the unpleasantness that we had in the North-West, and while that was going on a memorial was sent by the Government stating that until this trouble in the North-West was put down they did not want any consideration of our case. Time and again these memorials were sent to Ottawa without result, and, finally, getting no satisfaction, the Legislature, by a joint memorial, commissioned the Prince Edward Island Government to proceed to the foot of the Throne, which they did. I will read some extracts from the memorials. The first memorial is dated in 1883. It said:

"Cut off, as they always were, for nearly five months of the year from all communication with the mainland, except by a most uncertain and dangerous route, a promise of continuous communication with the Intercolonial Railway and the railways of the Dominion was indeed a strong inducement to them to surrender their self-government and unite with Canada. They naturally expected that, within a reasonable time, they would possess uninterrupted communication, at all seasons of the year, with the rest of Canada and of the world—that they would enjoy equal facilities for intercourse with the other Provinces as those Provinces enjoy between themselves, and would participate in all the benefits arising from the Intercolonial Railway and other public works upon the mainland, from which they had previously been debarred for a great portion of the year.

"The inconvenience and loss which they have suffered in consequence of the failure of the Federal Government to provide them with the efficient communication promised are incalculable, while the disappointment to their expectations has not tended to enhance, in their estimation, the value of a connection with the Dominion, but, on the contrary, has awakened a feeling of discontent which, though a matter of regret, is not unnatural under the circumstances.

"Were it only the transport of freight and merchandise that was stopped during the winter season, they would have good reason to complain of being precluded from the benefits of the Intercolonial and other railways which their more fortunate neighbors on the mailand enjoy; but their complaint, as well, is that in direct violation of the compact upon which they entered the Confederation, no efficient and continuous means of steam communication have been provided, whereby mails and passengers can be transported to the mainland. The derangement of business consequent upon the irregularity of the mail service, when, for ten days at times, no communication whatever is had with the rest of Canada, exercises a most prejudicial effect upon their interests. The hardships of travelling, which only the strong and robust are able to endure, and the dangers attendant upon the present mode, are other disadvantages from which they suffer most acutely."

Then, in 1885, they say in another another memorial:

"The Address of last Session imposed upon the Provincial Government the duty, in the event of a favorable answer not being accorded thereto without delay, of invoking the interference of Her Majesty the Queen to obtain that justice which the Island has been so long denied. While it is a subject of deep regret that the Dominion Government have not seen fit to take any action in the matter therein pressed upon their notice, the Council in committee feel that no alternative is left to them than to lay at the foot of the Throne a statement of the grievances so long endured, and ask of Her Majesty, as one of the contracting parties to the Articles of Confederation, that She will be graciously pleased to secure to Prince Edward Island that redress which has so repeatedly been sought, but which has not yet been obtained."

Then the Rebellion broke out, and the Government sent a despatch stating that they did not desire any consideration of this question until all matters appertaining to the Rebellion were settled to their satisfaction. The Island Government applied the year afterwards for an answer to this memorial which I have just read, and finally the reply was sent, and this answer is signed by two gentlemen, members of the Government at that time, Sir Alex. Campbell and the present Governor of Nova Scotia. That answer was the statement which was forwarded. The delegates came here and from here went to Europe, and the answer of the Government was sent to London, and there they met it. The whole of that answer is based upon two facts, one that the Government had performed to the best of their ability the

conditions which they had agreed to carry out, and the other that the expenditure of money in Prince Edward Island was in excess of that sum of money which was received from Prince Edward Island in the way of customs and excise. Those statements were so entirely erroneous that the gentlemen who composed the delegation had very little difficulty in proving them to be so. Previous to Confederation, the trade of Prince Edward Island came direct in ships of her own from England, the United States and the neighboring Provinces, and the Customs duties were paid at the Customs houses of the Island, and of course were accounted for in the returns, as hon. gentlemen can readily understand; whereas, after Confederation, the goods consumed by the people of Prince Edward Island, to a very great extent (in fact, three-fourths or more of them), were bought from the wholesale merchants of Montreal, Toronto, Quebec, Halifax, St. John, etc. No account of the goods appeared in the public records of the country, and therefore the gentlemen who prepared this statistical extract were led to the conclusion that the Island was receiving more than it was entitled to. Now, as an illustration of this, let us take the Inland Revenue returns of the Dominion:—

	Revenue.
Derived from Toronto distillery.....	$3,211,866 5[illegible]
do Windsor do	2,663,951 95
do McDonald's tobacco factory	1,059,293 60
do Prescott distillery.....	615,026 54
do Guelph do	364,732 60
do Hamilton do	227,565 31

No one contends that the excise collected at the Toronto distillery, of $3,211,000, is paid by the people of Toronto; it is paid by those who consume the liquor throughout the Dominion. And so it is with regard to the distilleries at Windsor, Prescott and Guelph. Then take the revenue derived from one single tobacco factory—the McDonald factory of Montreal. It contributes to the public revenue over a million dollars annually, but no person believes that the people of Montreal pay the whole of that amount. That is the best explanation that I can possibly give to this House of the character of the figures prepared by those gentlemen, no doubt in good faith, taken from the Public Accounts. Nothing could have been further from the truth. The fact is, that the statement of the revenue contributed by Prince Edward Island from Customs and excise shows a smaller sum now than we had twenty-five years ago. Nobody believes that that is so. We know that the revenue and expenditure of every country nearly balance, and it is absurd to say that Prince Edward Island, with 25,000 more people today than the colony had twenty-five years ago, pays a smaller revenue than it did before Confederation.

HON. MR. McINNES (B.C.)—What was your tariff then?

HON. MR. HOWLAN—Much lower than it is now; but even with that low tariff our revenue was larger than we are now credited with. The gentlemen who proceeded to England met the statements by counter-statements showing that the figures furnished by the Dominion Government were not correct. Sir Charles Tupper was also called upon by the Earl Granville to make a statement in answer to the delegates. He did so, and the delegates very easily answered it. Speaking of the allegation that the Dominion Government had not done all that they possibly could at the time, he states:

"Messrs. Sullivan and Ferguson admit, in a subsequent paragraph, that the Island has prospered, as they put it, 'notwithstanding the inaction of the Dominion Government.' This statement, in view of what has already been stated, may be left to take care of itself; but the object of their representation appears to be to secure the laying of a metallic subway across the Straits of Northumberland, through which railway communication could be effected, 'the cost of which undertaking,' Messrs. Sullivan and Ferguson say, 'would not exceed a sum which would not be unreasonable to ask the Government of Canada to expend.' If it can be shown that such a work is practicable, that it can be constructed for a reasonable outlay, and maintained without a large expenditure, the matter seems to be one that may fairly be placed before the Canadian Government for consideration."

That was the answer of Sir Charles Tupper on the 1st March, 1886, to the memorial of these gentlemen. Then Earl Granville, in his despatch to Lord Lansdowne, states:

"There seems to be reason for doubting whether any really satisfactory communication by steamship can be regularly maintained all the year round, which makes it all the more important that the proposed 'metallic subway' should receive a full and, if feasible, favorable consideration on the part of the Government of the Dominion.

"The establishment of constant and speedy communication by railwould be a great advantage, both to the Province and to the Dominion, and I should suppose that the development of the traffic on the Island railroads, and of the capabilities of the Province generally, would produce a large direct and indirect return on the expenditure.

"It would reflect great credit on the Dominion Government if, after connecting British Columbia with the eastern Provinces by the Canadian Pacific Railway, it should now be able to complete its system of railway communication by an extensien to Prince Edward Island."

Since that time we have had a survey across the Straits, which shortens the distance to six and a half miles, and at every one hundred and fifty feet of that distance borings have been made to test the character of the bottom. The plan which I have here shows the nature of the material through which the sub-way would have to go. It is not unlike the bottom of the St. Clair River at Port Huron. The bottom was bored and showed as follows, commencing at Carleton Head, P.E.I.:—

Distance from Shore.	Depth of Water.	Bottom of Strait.
¼ miles.	38 feet.	Soft sandstone rock.
½ "	44 "	do
¾ "	49 "	Red pipe-clay.
1 "	50 "	do
1¼ "	53 "	do
1½ "	61 "	do
1¾ "	64 "	do
2 "	69 "	do
2¼ "	63 "	Soft sandstone rock.
2½ "	66 "	do
3 "	68 "	do
3¼ "	79 "	Brick clay.
3½ "	84 "	do
3¾ "	91 "	do
4 "	90 "	do
4¼ "	73 "	do
4½ "	55 "	Sand and gravel.
4¾ "	49 "	do
5 "	47 "	Brick clay.
5¼ "	39 "	do
5½ "	30 "	do
5¾ "	25 "	do
6 "	14 "	Soft red sandstone.
6¼ "	7 "	do

I alluded just now to the subway that is being built at Port Huron, and I stated that the length of that tunnel was about half the length of ours, but an opinion prevails that our tunnel would be too long—that it is impracticable; that no tunnel of such length is to be found anywhere in the world. I differ materially from those who take that view. I can show that there are tunnels nearly twice as long as this proposed subway. The following are the most important:—

			Miles.
"St. Gothard	tunnel		9½
Mont Cenis	do		7½
Areberg	do	(Austria)	6½
Hoosac	do	(Mass, U.S.A.)	5
Standege	do	(London and North-Western)	3
Box	do	(near Manchester)	3
Severn	do	(nearly)	5

" and 2½ miles of this has been constructed from 45 to 100 feet below the bed of the rapid flowing tidal estuary, offering engineering difficulties which make it the most remarkable tunnel in the world.

		Miles.
Nochestingo	tunnel	4½
Sutro	do	4
Reginal	do	3½
Nerthe	do	3
Blainy	do	2½
Thames and Medway	tunnel	2
Mersey	tunnel, including approaches	4½

" Another tunnel is now being contemplated in the Simplon Pass, 12½ miles."

It was the experience gained in combating water in the Severn tunnel that led to the adoption of the present mode of construction. Some ten or eleven years after Sir John Hawkshaw had tried to build it Mr. Walker's shield was used. Mr. Walker is well known in this country as the contractor who undertook to build the old European and North America road from St. John to Shediac, N.B. He went back to England and took up this question, and finally succeeded in completing the tunnel. I only make use of that to show that greater difficulties than we would have to meet have been overcome in other places and are being surmounted every day.

HON. MR. POWER—Is the work at Port Huron a subway or a tunnel?

HON. MR. HOWLAN—Both terms are used. Generally speaking, a tunnel is something built of stone and mortar; but those materials are not now used.

HON. MR. POWER—The point I want to get at is, whether the structure at Port Huron is built beneath the surface of the bottom of the river or whether it projects over it.

HON. MR. HOWLAN—Beneath the surface. So is the one at London that is now being built, the City and Southwark subway. A writer in the *Graphic* referring to it says:

"This new means of intercommunication between the city and South London is now rapidly approaching completon. The original Act (1884) empowered its construction from King William street, city, to the Elephant and Castle; but the company subsequently received permission to carry on the line to Clapham Road and Stockwell. The line is a double one; but each pair of rails is laid in a separate tunnel, the two tunnels, of course, running mainly in parallel lines. The city terminus is in King William street, near the monument. The railway is reached by a circular shaft, down and up which passengers will be conveyed by a hydraulic lift; or they can proceed by stairways, which are also provided. After passing beneath the Thames the successive stations are at Great Dover street, Elephant, New street, Kennington, Oval and Binfield road, Stockwell. Hydraulic lifts and stairways will be provided at all the stations. The total length of the line is three miles and a-quarter, and its two chief peculiarities are the great depth at which it lies beneath the surface and the employment

of electric locomotives. Each engine weighs about ten ton: and the motor, which is of the Edison-Hopkinson type, takes the current from a conductor carried on the wooden sleepers between the rails of the line. The subway is lighted by electric glow-lamps; the brake used will be the Westinghouse automatic; and there will be a three-minute service each way of trains of three coaches, each capable of carrying thirty-four passenger. The line, of which a satisfactory trial was made on 5th March, is expected to be open for traffic early in the summer."

That is the description of the one they are now building. Hon. gentlemen may be surprised that I stick so persistently to this question. It is true that I am not an engineer, nor do I contend that my opinion is more valuable on such a question than the opinion of any other hon. gentleman in this House, but when such men as Mr. Walter Shanly tell me that this project is feasible—and he allowed me to use his name in saying so—when men like General McAlpine, General Newton, and others who have been consulted with regard to the harbor of Montreal and the harbor of Toronto—past engineers of the Institutes of England and the United States—say that this can be done for a certain amount, an amount which, in my judgment, is not outside the realm of practical politics, it is a reason why I am so persistent in urging this particular project. If it can be proved beyond any kind of doubt that this tunnel would cost $10,000,000 I do not think that I should be justified in asking the Government to expend $10,000,000; but if it can be done for $5,000,000, there is no reason why I should not urge it. Suppose it can be done for $5,000,000 it would not cost the Government of Canada one cent more than it is costing now to maintain the summer service and winter service, and the accessories belonging to it. It is proved conclusively that the Government have paid some $214,000 per annum for the performance of this service in a manner that is not satisfactory to themselves or to the public. That is the reason why I have asked that the matter should be submitted to a commission of engineers who are competent to judge in such matters. Outside of the abstract question that we are entitled to have the terms of Confederation carried out, I urge this scheme upon the economic ground that it is merely taking the same amount of money that we are now expending, and using it in a manner more satisfactory to the public. It may be said that we should not come here and ask for an expenditure of $5,000,000 or $6,000,000 for a small Province like Prince Edward Island. I am not coming here with any such demand; I simply say that the terms made with Prince Edward Island ought to be carried out, and if I can point to a way in which they can be carried out without greater expense to the country than the present unsatisfactory system I am doing a service to the Government. That must be decided by engineers who are competent to investi- such a scheme and give an estimate with regard to it. We see that recently, with regard to the harbor of Montreal, the Government submitted the question to Mr. Walter Shanly, Colonel Gzowski and another engineer whose name, at the moment, I do not recollect. These gentlemen will make a report on the question, and no doubt the same gentlemen could also give a report on the proposed subway under the Straits of Northumberland, and some such course will have to be taken before the people of Prince Edward Island will be satisfied on this question. We have to-day the same summer service that we had nearly thirty years ago, and it s unsatisfactory, as members of the Government must know. If we had in this Chamber a Minister of Marine and Fisheries and a Minister of Finance they would, no doubt, be able to explain to the House why it is so; but we have not got them here, and therefore we must address the gentlemen who represent them here regarding this particular matter, and I contend that the service as it is performed at the present day is not satisfactory to the Government, nor can it be satisfactory to the Government. No Government like to have fault found continually with them, and much less should we in this branch of the Parliament of Canada, by any act of ours, cause any Province of the Dominion to continue to be dissatisfied. I have shown to the House by the memorials from the Government of Prince Edward Island from time to time that they are dissatisfied, and I have shown that they have gone to the foot of the Throne. I quite understand that it is a most unfortunate thing for me, as an advocate of this scheme, and unfortunate for the people of Prince Edward Island, that we have no sepresentative in the other branch of the Legislature supporting the Government. But that has nothing to do with the merits of this question. I am not guilty myself on that point; but

it is, perhaps, an unfortunate matter, and it is to this branch of the Parliament of Canada that the smaller Provinces must look to have their rights guarded. That is the reason why I have been so persistent in following up this question from year to year. There are people who believe that the National Policy has not been of any use in Canada. There are others who believe it has. I know in the Maritime Provinces towns have been built up which have given a great deal of work to people living near them, and the commerce of the country has increased, and these towns are growing in population. We know also that Prince Edward Island has been unable to avail herself of the advantages that have been afforded to the other Provinces under the National Policy. We have no manufactures in our Province, and cannot have them, from the fact that we have no continuous communication with the outside world. If we had daily communication with the mainland our people would be able to establish industries and manufactories which they have not at present, and for want of which they necessarily suffer. You may as well say that if you sever one leg from the body that the pulsations of the heart could follow it, as to say that the pulsations of trade and commerce, and the enterprise which marked this Dominion, can extend to Prince Edward Island while she is isolated from the rest of Canada for so many months of the year. While we have fulfilled our portion of the contract made with the Dominion many years ago, no public works of any account have been done in our Province. It is continually stated that the Dominion has paid for the railway on Prince Edward Island. There is not one word of truth in that argument. Prince Edward Island entered into Confederation on a basis of 100,000 people, at $48 per head. The calculation was made up on the then existing debt of Canada, and also some $60,000,000 that were to be expended on the building of the Canadian Pacific Railway, and on that basis we took $48 a head, which amounted to $4,800,000. Out of that $4,800,000 the first year we paid for the cost of our railway $3,114,735. If we had not built the railway we would have had that amount to our credit to-day in the Dominion Treasury:—

"The several railways built by the Dominion in each Province, including the Intercolonial branches and extensions, but not the main line as originally constructed, cost as follows:

Quebec, including the purchase of the Rivière du Loup branch....	$5,520,323 26
New Brunswick.....	3,371,854 74
Nova Scotia.....	7,821,070 19
Total.....	$16,713,248 19

So that while the Dominion spent some sixteen millions since then in building railways in the other Provinces, less than $200,000 was spent in Prince Edward Island in building some thirteen miles of railway to connect the main land with Cape Traverse. We find no fault with that. We know also that some 96 miles of railway has been built across Cape Breton, at an expenditure of $3,000,000. We find no fault with that. We know that $175,000 a year for twenty years has been appropriated for building a ship railway at Chignecto. We find no fault with that, but we do think that our terms of union should be carried out. We have memorialized the Government and the Queen, and we have asked for consideration in every way. Now, with regard to the position we occupy toward the other Provinces—we are told: "You people in Prince Edward Island do not suffer." If we take the exports of Prince Edward Island, which form the basis of trade, as shown in the Blue-books, and enquire into what they are, we will find that Prince Edward Island is one vast farm. From the Census of 1881 I find that the products of the Province were:

Oats.....	$3,538,219
Potatoes.....	6,042,191
Turnips.....	1,198,817
Total.....	10,779,227
Horses.....	$ 25,182
Colts and fillies.....	6,158
Working oxen.....	84
Milch cows.....	45,895
Other horned cattle.....	44,743
Sheep.....	166,496
Swine.....	40,181
Wool.....	552,083
Honey.....	14,945

If we take one item, potatoes, we find how we are handicapped as compared with our brother farmers in Nova Scotia or New Brunswick. Our farmers have to ship their potatoes at a season of the year when they are unfit for shipping, when the markets are overstocked and prices are low; whereas, the Nova Scotia and New Brunswick farmers can hold their potatoes until the markets want them. Hon.

members will see at once the disabilities which our people labor under in this regard. Turning to the Trade and Navigation Returns, I find the following to be the comparative exports of potatoes from the different Provinces for the year ended 30th June, 1888 :—

Provinces.	Bushels Exported.	Value Realized.	Average Price.
	Bushels.	$	
Ontario	102,253	66,615	65·2 c. p. bush.
Nova Scotia	677,872	355,655	52·5 do
Maniba	99,858	47,059	47·1 do
New Brunswick	350,846	161,482	46·0 do
Quebec	169,845	76,507	45·0 do
P. E. Island	1,294,056	343,177	26·5 do
Total	2,694,730	1,050,495	

1887.—Total export of starch, $1,229,399. Prince Edward Island exported $1,164,600, or 94⅞ per cent. of the above.

It will be seen from this comparison that Prince Edward Island gets less than one-half of what Ontario gets; less than one-half of what Nova Scotia gets; about half what Manitoba gets; about half of what New Brunswick gets, and about half what Quebec gets for her potatoes. To put the matter more forceably for her 1,294,056 bushels, Prince Edward Island does not get as much as Nova Scotia gets for 677,872 bushels. That cannot be otherwise, for want of proper communication with the mainland and the markets of the world. If our Province was tacked on to Nova Scotia and New Brunswick, and could ship every day with the same freedom that they can from St. John or Halifax, the exhibit would be largely in our favor. The result of the existing condition of affairs is that she now loses, for every head of her population, about $3, or $17.50 per family, on this one item of potatoes alone, for want of proper communication with the mainland. We are compelled in the fall of the year, in frost and snow, to ship our products, because we know, when our ports freeze up, we are shut out from the markets. And again in the spring of the year, when potatoes are high in the markets of the United States and in the neighboring Provinces, we cannot ship our produce from the fact that our harbors are frozen up. I have to-day a telegram from Summerside stating that there are nine vessels loaded there for market, and asking for assistance of the steamer *Stanley* to open the harbor, still frozen over. On every item of farm produce we find that we are at a disadvantage in our shipments as compared with the other Provinces. I know that it will be said in reply that the Dominion Government spend a large amount of money on postal service in Prince Edward Island. I admit that they do, and it is for the simple reason that while other Provinces have a population of only 4·72 to the mile, we have 51 to the square mile, and the expenditure for post office service is comparatively large. It looks large without investigation, but on enquiry it is found that our expenditure for postal service is not as great as in some other portions of the Dominion. The comparative expenditures for postal service in the different Provinces are as follows :—

Prince Edward Island—Population 108,891.

Expenditure	$ 50,682.31
Net revenue	31,390.83
Deficit	$ 19,291.48

British Columbia—Population 49,459.

Expenditure	$ 158,542.39
Net revenue	51,545.81
Deficit	$ 93,997.37

Manitoba—Population 65,954.

Expenditure	$ 286,554.77
Net revenue	151,658.49
Deficit	$ 134,896.28

New Brunswick—Population 321,233.

Expenditure	$ 280,109.99
Net revenue	142,342.82
Deficit	$ 137,767.17

Nova Scotia—Population 440,572.

Expenditure	$ 306,860.66
Net revenue	197,450.15
Deficit	$ 109,410.51

Quebec—Population 1,359,027.

Expenditure	$ 753,066.99
Net revenue	555,823.54
Deficit	$ 197,243.45

Ontario—Population 1,923,228.

Expenditure	$1,632,273.51
Net revenue	1,470,044.72
Deficit	$ 152,238.79

So that, as far as the expense of the post office is concerned, which is sometimes brought up against us as a great expenditure in Prince Edward Island, it is not

proportionately as large as in some of the other Provinces. I am not finding any fault with the expenditure in other Provinces. I think it is perfectly right that they should have this postal service, but what I object to is hearing gentlemen say that the Dominion spend so much more in Prince Edward Island for postal service, which, on investigation, I find is not correct. I have stated that we were compelled for want of proper accommodation in the fall of the year to ship our produce at very inconvenient seasons. Speaking of the fall traffic, an article in a local papers says:

"In former days almost all our shipments of produce were made late in the fall or early in the spring; now we are shipping continually by steamers so long as navigation is open. Consequently, though the volume of our shipments is much larger than it was, the fall rush is usually (and naturally) not so great as it used to be.

"But the freight traffic of this fall is already taxing to the utmost the capacities of our steamers and sailing craft. The steamer at Summerside cannot take away the freight as fast as it offers, and quantities are every morning left on the wharf."

I only read this to show to hon. gentleman the difficulty in which we are placed with regard to our fall shipments. The reason why I suggest in my memoradum that the Government should adopt any other plan to carry out the terms of confederation is, that I am looked upon by some gentlemen as perhaps being rather a crank on this subway question; but if they derive any pleasure from thinking so, there are other cranks on this question as well as myself. We have had, this year, a Bill presented to Parliament for another way of getting to and from Prince Edward Island, by carrying cars over on steam barges. Another man from Halifax, named Way, has another means of getting over, and if the Government have still some other way to offer, it is well to let us know it. At any rate, there is a great deal of dissatisfaction existing amongst the people of our Province, and I may say that I speak here for the people of Prince Edward Island. I have held meetings all over Prince Edward Island, and if the resolutions passed at those meetings can be accepted as the views of the people, no one can come to any other conclusion than that they are a unit on this question. They do not look for impossibilities. All that they ask is the terms of Confederation—or some energetic plan to settle this grievance. If it was asked for by any one portion of the people it might not be so important, but it may be as well for me to inform the House that in the Legislature of the Island at present the Upper Branch is Liberal by a large majority, while the Lower House has a majority of Conservatives, and from these two branches, as, no doubt, the hon. gentleman who comes from one of them will be able to tell you, a unanimous memorial was forwarded to the Throne on this subject. That must show that the people of Prince Edward Island are entirely dissatisfied with the present arrangement. There is a certain class of our people who have confidence that the Government will take up the terms of union faithfully and carry them out; another class have joined the Opposition, and we have these two parties thrown into hostile camps almost evenly balanced. But supposing a strong Government secured office there, strong in the confidence of the people, all these memorials having gone before, what course do you think would likely be pursued? I have not the most remote doubt in my mind that a great deal of dissatisfaction would be expressed throughout the country, and no Government, I take it, wants to have dissatisfaction in the country; on the contrary, they are more desirous that peace, contentment and happiness should reign throughout the Dominion. Therefore, the sooner this scheme is investigated the better, and if it is found to be feasible and practicable we have a right to call upon the Government to carry it out. The people of Prince Edward Island are not a people who will readily give up what they consider are their rights, nor will they allow themselves to be bamboozled very long. The time will come when they cannot be satisfied with promises. I do not think the Government desire to bamboozle Prince Edward Island, but I cannot understand why some better arrangement has not been made for a steamboat service in the summer time—at any rate, a better service than we now have. I have not the least hesitation in saying that a better arrangement can be made, that it is time it was made, and that the people of Prince Edward Island expect that it shall be made. In the interest of Canada and of the people of Prince Edward Island this question ought to receive a solution in some way, so that hereafter we shall not be troubling this House year after year asking for redress.

It is not a pleasant duty for a man to have to urge this grievance Session after Session, or that I should be taking up the time of the House, almost repeating the same thing year after year, and I am sure that it is not pleasant for you to have to listen to it. It is here we have a right to come; the Senate was constituted as a guarantee that the rights of the smaller Provinces should be protected, and we have a right at any rate to ask for an investigation into this matter, and if the Straits of Northumberland cannot be tunneled for what may be called a practical sum, let some other course be taken to set the matter at rest; because there is in the minds of the people of Prince Edward Island a belief that this thing can be done, and that belief is supported by the opinions of gentlemen who are eminent as engineers. I am satisfied that if the Government felt that five millions of dollars would do this work they would take it up with confidence, but they have not investigated it. In England there is attached to the Imperial Parliament a Bureau of Engineers, and before you get a Bill through that Parliament you have to submit your scheme to them, and then when it comes before the Legislture the members have an estimate of the cost and a guarantee from an engineering standpoint that the work is feasible, practical and safe. In the United States they have also a bureau of experts, to whom such matters are submitted, but here every man is his own engineer. I do not ask this House to take my opinion as an engineer. I am not one, but I must have respect for the opinion of Walter Shanly, who has been an engineer all his life, and who successfully completed one of the greatest works on this continent—the Hoosac tunnel. If such an eminent engineer tells me that this scheme is feasible, surely I must believe him. I do hope the Government will see their way clear to sending the matter to a commission of engineers such as I have named, so that we may have an official report with regard to the practicability of doing this work. I am sorry to have trespassed on the time of the House so long. I am much obliged to the hon. gentlemen for hearing me so patiently, after bringing this matter so frequently before the House, but while I am here as the representative of Prince Edward Island my duty is to present the views of the people of that Province in a matter of so much importance.

HON. MR. KAULBACH—I do not rise to oppose the motion before the House, and I must say that the hon. gentleman has made great progress in this matter since he took it up. When he first approached this scheme, and showed us a model of his tunnel, everybody looked upon the scheme as visionary—in fact, even the members from Prince Edward Island looked upon it as impracticable, and gave very little attention to it. I do not think my hon. friend in his motion to-day is going far enough. The motion should not be only to ascertain the cost of this project, but its durability and its freedom from destruction or injury from any reasonable cause. I think that should be also included in the motion. And as far as that goes I should be in favor of it. The hon. gentleman has almost stood alone in this matter from the beginning. I know the hon. gentleman from Charlottetown (Mr. Haythorne) did not give it his full support, for my recollection of what he said was, that it would tend to detract from the efforts now being made to have more efficient steamboat communication with the mainland. My hon. friend says that when the "Northern Light" was found to be not altogether suitable another boat was put on, and was got largely upon the advocacy of all the hon. gentlemen from Prince Edward Island. The hon. member from Alberton struggled here to a large extent alone for a long time, but my friend at the head of the room has been gradually giving him aid in this matter. What he has done outside I do not know. We are told that because the representatives of Prince Edward Island in another branch of the Legislature have not been in harmony with the Government, therefore they have not had the weight and influence which they should have possessed; but I cannot see that they have ever put forth any efforts in the direction of asking for an appropriation to make an enquiry into the best means of establishing winter communication between the Island and the mainland. Therefore, I think my hon. friend has not been treated fairly. It strikes me as singular, if they considered this scheme feasible and desirable in the interests of the Island, that they would not ask for an appropriation to make the enquiry that has been suggested. The question arises whether, if this is granted, the terms of Confederation will have been

complied with, because if we look at the terms as cited in this resolution, we find they are "To establish and maintain efficient steam service for the conveyance of mails and passengers between the Island and the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial and the railway system of the Dominion." Now this steam service means steam navigation. Certainly it was not contemplated at that time to build this subway, and I think the Government has done a great deal towards improving the service across the Straits. My hon. friend says that the railway was not constructed at the expense of the Government but out of the grant given to the Island at the time of Confederation. That may be so, but my hon. friend should consider at the same time that year by year that Island Railway has had a deficit of $60,000 or $70,000 which the Dominion Government has had to pay. If this tunnel is to form a communication between the Island Railway and the Intercolonial Railway, then I believe that the construction of the tunnel would put a stop to the deficit and in that way would be an advantage. I will not disparage the advantage that this project may be to the Island. If it can be proved that it is not only practicable, but that the cost will not be too large, and that when built it will be durable, and not subject to destruction from any known cause, and if my hon. friend would strike out the second part of this resolution, I should support it most heartily, because I think everything practicable should be done to make the communication with the Island satisfactory. But the second part of the resolution says that we have not carried out the terms of Confederation with the Island, and I feel some difficulty about committing myself to that proposition. I hope my hon. friend will not press that portion of his resolution. I cannot support the conclusion that the terms of Confederation have not been virtually carried out—carried out in the spirit if not to the letter—carried out as far as practicable, and as far as the people of the Island at the time of Confederation contemplated they would be—carried out as far as the elements which surround the Island make it practicable to do so A large amount of money has been expended to provide steam navigation between the Island and the mainland. As I said before, my hon. friend has made great progress, and he should not be discouraged in his efforts. If he had approached the House in the same way that he has done now at the inception of his scheme I doubt if he would have been listened to; but he has made progress, and I hope his efforts will be crowned with success. It is in the interest not only of Prince Edward Island, but of the neighboring Provinces as well, that this tunnel should be built, if it can be constructed at a reasonable price, and can be made a permanent and durable structure. All these things should be considered in coming to a conclusion. The terms of union never contemplated anything further than to provide efficient steam navigation between the Island and the mainland. When we remember how the Island was situated before Confederation, that they had to pass between Cape Tormentine and Cape Traverse in little boats, and the mails were often interrupted for ten or twelve days at a time, we can realize the great improvement that has been effected by the Government. Although I am in favor of my hon. friend's object—that is, to get this board of engineers to ascertain whether the work is feasible or not—yet I am unwilling to vote for the second part of the resolution, which in effect says that the Government of the Dominion have not carried out the terms of union with the Island.

HON. MR. POIRIER—The resolution deals with two branches of the subject, first, the feasibility of constructing and maintaining the subway across the Straits of Northumberland, and second, any other plan which can be recommended to fulfil the terms of Confederation made with the Province of Prince Edward Island. The first part of the resolution has been thoroughly explained, and my hon. friend from Alberton deserves praise for the energy, intelligence and perseverance he has displayed in promoting this very important project. I will not deal with that question which has been so exhaustively discussed; I will only say that I fully agree with his conclusions, and if the scheme is feasible at all it should be adopted, because the difference it would make in the value of the crops and exports of the island would go far towards paying the interest on a very costly structure.

He says that his engineers guarantee the feasibility of the subway, and I have no doubt that they are correct; at all events, I am not in a position to contradict this statement. However, I believe that the great objection to the project is the cost of the work. I do not say that it should be regarded as an insurmountable difficulty, but I believe it is the main difficulty which the Government see in the way just now. The question being uncertain, I may be allowed to say a few words relative to the other part of the resolution, still admitting that the scheme of my hon. friend, if practicable within certain limits, is in my estimation the best: but if the Government should not decide to spend so large a sum of money as the undertaking involves, there are other schemes which may answer the purpose of fulfilling the contract made between the Government of the Dominion and the Government of the Island at the time of the union.. Not later than three or four months ago meetings were held at Shediac, N.B., and Summerside, P.E.I. The latter point is about the middle of the Island, and there is constant and active communication between Shediac and Summerside during the summer season. Meetings have been held this winter to petition the Government for an appropriation to dredge the harbor of Shediac a few feet deeper to enable the steamer "Stanley" and other vessels to maintain constant communication across the Straits throughout the winter. People who live in the vicinity of those places say that it is feasible to maintain such communication, and the Government should send competent engineers to report upon the subject. If it is feasible, while it will not furnish such complete communication as the subway would, it will go a great way towards fulfilling the terms of union. But there is another scheme which, while it does not involve so large an expenditure as my hon. friend's project, is, I believe, adequate to fulfil the demands of the Island, if it is feasible. It is the scheme embodied in the Bill which I introduced myself this Session for a steam ferry between Cape Richibucto and Cape Wolfe. Dr. de Bertram has that scheme on hand and has had engineers to report upon it. He has had preliminary surveys made and the engineers report the perfect feasibility of the project. They say that it is quite practicable to have ferryboats on that route which will carry a train of cars from the Island to the mainland and *vice versa*, not only in the summer season but also in the winter season, without interruption. Those views are corroborated by many persons who have studied the question. Three or four years before I left Richibucto and accepted a position here I visited the coast, and was told by persons residing there that the passage was clear the whole winter through, except a few days in the spring time. There is no tide in the Straits of Northumberland, and there is no difficulty in providing wharves on both sides for a reasonable outlay. There is a reef there, and, moreover, there is in winter hardly any bond ice, on account of the current, which runs in such a way as to leave a passage up to the shore free from ice at both ends. The distance between the two points is only twelve miles. At each end the water is sufficiently deep to permit vessels suitable for the service to approach near the shore, which will make the cost of constructing wharves very low. I wish now to give some testimony in support of what I have advanced. Dr. de Bertram had among other engineers one named Edwin E. Glaskin, employed to make the preliminary surveys of the work. I will now read some extracts from his report to show that the scheme is not by any means visionary and that it is approved of by competent engineers:

"As a result of my personal observations and the full and careful examinations which I have made on the shores of the Island and mainland, assisted and confirmed by the evidence collected from the keepers of the lighthouses, fishermen and others most capable of making correct observations, as well as the evidence laid before the Government by the Select Committee, I am convinced that there is not at any time during the winter sufficient ice at Cape Richibucto to obstruct daily communication between the Island and the mainland by properly constructed steamers having suitable piers provided for their accommodation.'

This view, says the engineer, was supported by a commission appointed by the Government, composed of Messrs. Prowse, Jenkins, Howlan and others. He gives an extract from their report, which I assume is correct:—

"It is possible to maintain constant communication between the Island and the mainland winter and summer—that there is always open water at the western end of the Straits—that there is never a day during the entire winter when there is not a clear channel across at the Capes (above mentioned) and that a steamer could make the passage any day in the year winter and summer."

HON. MR. PROWSE—Is that a statement to which my name is attached ?

HON. MR. POIRIER—I find the name of Mr. Prowse attached to it.

HON. MR. PROWSE—I never signed such a statement.

HON. MR. POIRIER—I said that I had not seen the report.

HON. MR. PROWSE—My name may have been attached to it, because in 1873 I was examined before a committee of the House of Commons in reference to this question, and my opinions are there given in their report. Of that engineer I know nothing, and have never met him, that I remember.

HON. MR. POIRIER—He does not say that he approached the hon. gentleman, but he says that this is the result of an examination made by a commission of which the hon. gentleman was a member. There was a priest at Richibucto, Mr. Carson, who writes as follows:—

"That the Straits never freeze, that the ice which comes from the north is broken up into small patches, and that between these scattered bodies there is always an open channel, where a steamer could pass without the slightest difficulty ; that a pier could be built 250 to 300 yards from the shore clear of the beech ice, where the depth will be from 18 to 20 feet—and that if such a vessel were to be put on this route it would be able to make regular trips every day in the year."

"We find that the heavy ice comes from the east and north-east down from the Straits of Belle Isle through St. George's Bay and becomes blocked or gorged at the Cape Tormentine and Traverse (a distance a little over 40 miles south-east from Cape Richibucto) and that which passes Cape Wolf is the light ice from the Gulf of St. Lawrence carried by the tides into Egmont and Halifax bays, where it remains until dissolved. The testimony on this point is unanimous, and therefore beyond dispute."

I will not take up the time of the House by reading any more extracts. This is sufficient to show that there is ground for the Government to study the question, to investigate the feasibility of establishing constant communication through the winter season, as well as through the summer, between those two points that I have mentioned. Dr. de Bertram is so convinced of the feasibility of the scheme that he is ready to invest large amounts of money himself to undertake the project. Of course, he would not undertake such a scheme if he saw that the Government were to favor some other enterprise which would be hostile to it; but the gentleman would be glad to know if the Government are willing to send engineers to examine the route. It is in the interests of Prince Edward Island and of New Brunswick, and I may say in the interest of the whole Dominion, which is required every year to meet a deficit on the Prince Edward Island Railway, which might be a paying road if the people of the Island had facilities for exporting their produce in the winter season. It would increase the revenue of the road sufficiently to enable the Government to collect a revenue equal to the expenditure. Several attempts have been made to establish communication between Prince Edward Island and the mainland, but a remarkable feature of such attempts is this: It appears that nature has provided that the proper place for such communications is at the west end, while the capitalists and gentlemen interested in the communication are located up towards the east, or have their interests in the east. Thus it happens that mostly all the efforts to establish communication have been made between Charlottetown and Pictou, or between Cape Traverse and Cape Tormentine. It strikes me, and everyone who has studied the question, that such were not the views or the designs of nature. That part of the island where the attempts have hitherto been made is blocked by heavy ice every winter, not only local ice, but heavy ice coming from the Atlantic by way of the Straits of Belle Isle and from the east generally. The reason of this is that that ice which is carried in by east winds, added to the local ice, forms jams, through which it is impossible for a steamboat of any power that the ingenuity of man could devise can get through. Moreover, the Bay of Pictou freezes very hard in winter, and that accounts for the "Stanley" being imprisoned there this last winter. At the other end of the Island the passage is clear, because no ice is to be found there, except local ice, and that place is almost constantly as free in winter as it is in summer, making it feasible, without having to struggle with such obstacles as I have mentioned, to have free communication between these two points in winter as well as in summer. Hon. gentlemen will understand that if a service by steam ferry boats can be established so as to carry loaded cars from one side of the Strait to the other, connecting the Prince Edward Island system of railway

with the Intercolonial, and to have that service constantly maintained this will enable the Government to carry out not only the letter but the spirit of the terms of Union. I believe that the contract has been fulfilled to a certain extent as to the letter, but not perhaps as to the spirit of the terms of the Union. In having this project carried out, both the spirit and the letter will be fulfilled, and the Prince Edward Islanders would greatly benefit by it, because the result would be to enhance the value of their crops and produce by at least 25 per cent. Moreover, it would give satisfaction to a very interesting Province of the Dominion, which is a very desirable object to attain. I believe, therefore, that the Government should send competent engineers to examine and report upon the several schemes submitted for the keeping of constant communication between Prince Edward Island and the mainland.

HON. MR. HAYTHORNE—It seems to me that the proposal which the hon. gentleman (Mr. Poirier) has put before the House is not the one of which notice had been given, and I also think that the inhabitants of King's county would find it very inconvenient to send their produce to the markets of Nova Scotia by such a roundabout route. They would have to convey it first the length of the Island, then carry it across the Strait, and then take it eastward again to the markets on the mainland. That would at once set them against the scheme which the hon. gentleman has been advocating. If it were a case of shipping eggs and other produce in the spring of the year, when prices are high, it might be better to take them by the proposed route; but as an ordinary matter of commerce, I cannot think that it would be for the advantage of the people of King's county to depend solely upon the means of communication which the hon. gentleman has described in his speech. I think that the interests of Prince Edward Island are decidedly looking up at present. We have an excellent steamship performing her duties in a manner which we scarcely expected she could perform them, and although it is undoubtedly the case that she has had the advantage these two winters past of unusually moderate seasons, with very little accumulation of pack ice on the Nova Scotian shores, not having that great obstacle to contend against, she has been able to perform her winter service for these two winters past in a very satisfactory manner. But I quite agree with the statement that the hon. gentleman from Alberton made, to the effect that we cannot judge of all seasons by the two which have just passed by. They have been unusually mild, and with very little accumulations of ice. Consequently, they were very favorable for the operations of that ship, but we cannot expect that to be the case always. It is therefore necessary, in taking into consideration this important question of permanent winter communication between Prince Edward Island and the mainland, that means should be found which could be depended upon under all circumstances. My hon. friend certainly deserves great credit for the persistency with which he has advocated his subway scheme. When I first saw his model in one of the rooms of this Senate I certainly entertained serious doubts whether such a subway as that could ever answer the purpose intended, but it has since been improved upon in a way that leaves scarcely any difference between what is known as a subway and what is known as a tunnel. In fact, during his speech the hon. gentleman spoke of it indifferently as a subway or tunnel. He gave us a definition of what a subway was and what a tunnel was—that one lay on the surface only partially buried, and the other was entirely buried in the subsoil of any river or creek across which it was to go. The course the hon. gentleman has taken now is pretty nearly the same that I ventured to advocate when he first brought that question before this House, when the present Governor of Ontario was the leader of the Senate, and I certainly was not supported—I will not put it more harshly—by the leader of the Government. He said, in emphatic terms, that the Government would not undertake to assist this project in any way whatever. I told him I considered it was the duty of the Government to ascertain by a proper investigation by experts whether the scheme promulgated by my hon. friend from Alberton was practicable or not, and if it was reported to be feasible at any reasonable cost it was the duty of the Government, standing, as they did, pledged to establish daily steam communication between Prince Ed-

ward Island and the mainland, to undertake that work themselves. However, the Government declined any such responsibility and the scheme has hung fire from that time to this. In the meantime, we have had a select committee of the House of Commons, and I date the progress that has been made in the matter of communication between Prince Edward Island and the mainland from the sittings and the report of that committee. The hon. gentleman from Alberton himself, the hon. gentleman who has recently taken a seat in the Senate, the present Governor of Prince Edward Island and myself, were called as witnesses before that committee. I put in a written memorial, and I am glad to say I can look back upon that memorial to-day with great satisfaction, because I see that the substance of it and of the evidence given by those gentlemen before that committee has been to a certain extent followed out by the Government, and, consequently, whatever little success has attended their efforts has been since they changed their course altogether, and instead of snubbing members of Parliament when they got up in this House or elsewhere to advocate the interests of their Province, they began to see that the members were right and the Government were wrong. I recollect there was a struggle for a considerable time to obtain a moderate concession while our only means of getting across the Straits in winter was by ice boats. It was only by a great and strong effort that we at last induced the Government, after the sitting of the committee, to build at each side of the Straits a boat house, in order that the craft we had to cross in should be water-tight and fit for the service they had to perform. Before that it was utterly impossible on the open bord ice to so patch up a damaged boat that she was fit for the service when next called on. This was one of the results of the Government changing their course and adopting the advice of competent experts and members of Parliament of both Houses. I think, further, that if they would pursue that course the probability is that they would meet with still further success. I look upon the "Stanley" as the result of advice given to the Government by various members of that committee. A competent person was sent to the north of Europe and to Scotland, and in a marvellously short time that vessel, whose services we so highly appreciate now, the "Stanley," was across the Atlantic ready to enter on her winter service here. Although it cannot be said that she is capable of performing it under all circumstances, yet she is an exceedingly useful and valuable vessel to our Province. With reference to the course the hon. gentleman has taken this evening with regard to calling on this House to recommend a certain piece of advice on the Government, I must point to this fact, that the idea originally contemplated by those who framed the conditions of Confederation was steam communication on the water and not steam communication under the sea. That is one very great difference. It is true we were glad to discuss and to consider the project of a subway or tunnel when we were almost hopeless with regard to getting across the Straits of Northumberland in the winter by means of steam, but I think the prospects of steam communication on the water are rather improving, while the subject of the subways and tunnels is still rather, I may say, very uncertain. I would prefer hon. gentlemen who desire to appreciate what the real difficulties of this project are to get out of the library a book called the "History of the Severn Tunnel." Now, that great river is very similar to the Bay of Fundy. The tides are exceeding high there, and run with great force and violence at times, and in order to carry on communication between the mining districts of Wales and the manufacturing districts of England it was necessary to carry the Great Western line of railway into Wales by a more direct course than they had been up to that time able to secure. Before the tunnel was constructed the ordinary way of connecting the English lines with the districts in Wales was by going round the head of the Severn, but that was a circuitous route, and caused a great deal of delay. With the energy which has characterized railway enterprise during the last few years it was natural that some such scheme as a tunnel should be formulated, and it was. It was commenced, I think, somewhere about 1870, but I am free to acknowledge that the first contract which was let for the purpose of building the tunnel was a complete failure. The water got in and completely filled the works, and the contractor was broken and obliged to abandon his contract. It remained in a hopeless state for several years, until the pressure of the times compelling

the railway company to do something in this matter, they at last undertook to proceed with the scheme. I have a few extracts here which I made more than twelve months ago from the work to which I have alluded. I observe that the hon. gentleman from Alberton made some brief reference to this same work. On the 2nd of November, 1881, Mr. Walker, the engineer to whom the hon. gentleman alluded, received orders from Sir John Hawkshaw to go on with the whole of the works as rapidly as possible. He says:

"The contract had contemplated that for the first eighteen months only the works under the shoots——

I may explain to the House what the meaning of that term is. It is simply the channel of the River Severn, which may be represented as something like a sheet of paper doubled together, the top of the water being under the crease—

"should be proceeded with; but it took, as nearly as possible, twelve months from the date of signing the (2nd) contract to clear the works of water. Twelve months more had been used in completing the heading under the river, securing the old shafts, sinking the new ones, and commencing the brick work under the shoot and under the salmon pool."

It has been supposed that the principal difficulty of building this great work would be in passing under that bed of the Severn River, consequently when the second contract was entered on, directions were given that the grading should be, I think, 15 feet lower than had been originally contemplated, thus showing that the apprehension of the engineer was from the bursting in of the water under the tide way. It only shows the great uncertainty which prevails in any undertaking such as that proposed by my hon. friend, even though it should be reported on by competent engineers in our own country, or should those men who carried through the tunnel under the Severn be employed. It is almost impossible for any engineer to predicate what difficulties may be encountered. These engineers presumed that their difficulties would arise from the deep bed of the Severn River. They actually encountered scarcely any difficulties in that respect: but the difficulties they did encounter and which cost them in the course of the work immense sums of money to counteract arose from a different source. They arose from sources which we are likely to encounter if we undertake to carry the tunnel under the Straits of Northumberland; they arose from springs. Here is a description of one of the great springs that was met with. This is what the engineer says in his report in 1885, after he had proceeded very far with the undertaking:

"On opening out the full sized tunnel, the fissure through which the great spring had passed was found to follow a most erratic course. In one place it passed directly across the tunnel from side to side, nearly at right angles to the centre line of the work. At another place it passed from side to side in an oblique direction, running for some small distance directly under one of the side walls. At another point where the tunnel had been perfectly dry, while the mining was done, the lifting of almost the last stone out of the invert set free an immense body of water which no pumps underground could cope with. At another point the water burst up from a hole 18 feet deep under the invert with such force that stones the size of a man's fist dropped into the water would descend into the water about 10 feet, and then begin to flutter like a leaf in the wind, and be thrown out again by the water."

Hon. gentlemen must see that it is by no means easy even for a most experienced engineer to be sure what impediments he will meet with in working under water. These gentlemen, experienced as they were, formed no idea of the difficulties they would have to encounter in meeting this spring. They anticipated that their difficulties would be from the salt water from the channel of the Severn. They met no difficulty there, but they did meet very great difficulty elsewhere. I have here a statement of the amount of water that they had to handle. The report says:

"The minimum quantity of water pumped when dealing with the big spring was 23,000,000 gallons daily; the maximum quantity was 30,000,000 gallons daily. For more than a year the average quantity pumped daily was 24,000,000 gallons."

But after all, a statement as to so many millions of gallons gives one a very inadequate idea of the amount of water represented by it, and accordingly the author of that work has elucidated it still further by this statement:

"To give an idea of this immense quantity of water, it is sufficient to supply a town of the size of Liverpool or Manchester, and in one year would form a lake 1000 acres in extent and 10 yards deep."

There was no more appearance of that spring when the work was undertaken, perhaps not so much as there is at the Straits of Northumberland, and hence it is that great caution should be exercised before the Government undertake a work in which they are likely to meet with such formidable difficulties.

HON. MR. ABBOTT—Could my hon. friend state the cost of the Severn tunnel?

HON. MR. HAYTHORNE—I think it cost about £3,000,000 sterling. I have endeavored to shorten my statement as much as possible, partly because I have a very bad cold, and partly because this House is getting wearied. The length of that tunnel is 7,000 yards, against some 11,000 or 12,000 yards across the Straits of Northumberland. I do not want to throw difficulties in the way of my hon. colleague; I would rather help him, but I do not think I could help him in the way I wish to do if I did not give full expression to the difficulties which such undertakings are always subject to. I know myself that springs are quite common, particularly on the shores of the Island. I know from experience, on the Cape Tormentine side, you may see them at the railway stations. In the corner of one of the waiting rooms is a living spring which empties into a barrel, and there is a little hotel near the railway station where I have taken my meals, and there I found another spring boiling up in the same way, and it is a matter of probability that considerable difficulty may be found in this work from springs. I think the hon. gentleman has taken a fair and wise course. If the Government can find engineers accustomed to hydraulic work, and willing to undertake a survey, and report on this scheme, it would be a reasonable guide to us as to whether the thing was within the bounds of practicability or not. If it should prove to be so, we could then fairly press the Government to go on with this tunnel, providing other means should fail altogether. But I have to point out, before I leave this subject, that up to the present day no attempt has yet been made to navigate the Straits by steamship. The "Northern Light" made one or two attempts to navigate the Straits in winter, but hers was a course through the worst part of the Straits, and besides she was entirely unfitted for such work. She drew too much water, and could not get within easy distance of shore, so that I do not attach much importance to that experiment. I do not suppose the "Stanley" is very well adapted for such service either. She is very well adapted for the purpose she was intended. We have before us the fact that a stretch of fresh water a few hundred miles from us has been navigated successfully in the winter by a steamship. I have been unable to ascertain full information of the daily running of the "St. Ignace" in the Straits of Mackinaw, but I have here a statement which appeared in one of the illustrated newspapers at the time that vessel was about to commence the undertaking. I may say that I have crossed the Straits of Northumberland a great many times myself, and I have seen those Straits under almost every possible phase of their winter appearance. I have seen them when they were nearly clear of ice. I have seen them when they were covered with lolly from one side to the other; and I have seen them when the pan ice was so glare and smooth that all the men had to do was to run along with the boat almost without effort. I have seen it also when the ice was so thin that it actually bent under the weight of the boat and passengers as they were hauled along for miles together. With that experience I think I am entitled to offer an opinion as to the possibility of a steamer crossing those Straits in the winter, and I believe honestly and fairly that a steamship designed and built expressly for that purpose, and no other, would keep communication open all winter. I dare say the time will come when the increase of trade between the island and the mainland will be so great that public opinion will call for something more convenient, something which will cause less exposure to the weather than a winter passage over the ice—quite possibly within the next decade or so, and a demand may spring up for a tunnel, or a sub-way as the hon. gentleman pleases to call it. But if the report of the commissioners were in the hands of the Government today I think there would necessarily be a long interval during which the building of that tunnel would be proceeding. It would take perhaps as long to finish it as to build the Severn tunnel. It would perhaps meet with difficulties and obstacles as great, or very similar to what were met with in the case of the Severn tunnel, and therefore during all that period the island would be fairly entitled to have its produce and passengers and mails carried backwards and forwards in some way more convenient than by means of the small ice boats when the bord ice forms off the island and prevents vessels from performing the service there. I do not intend to put forward my own ideas very forcibly on this question. I will take the opinions of a gentleman who was examined before

a Parliamentary committee—in fact, he was a member of the House of Commons and had been unseated. During the time he was in the House he asked for a committee, and the committee was granted. This was the evidence of Dr. John Jenkins, an intelligent man, who had seen not a little of the world elsewhere than in Prince Edward Island. He had been amongst the first men in the local House of Assembly to enquire into this matter of winter communication, and he was accordingly called as a witness before the Parliamentary committee. I will first give his opinion with regard to the ice. He would not take it for granted that the ice which we generally find our way over in the winter was anything like as thick or as heavy as it had been represented. He says that men travelling over pan ice and their boats following them, with little effort, can form a very inadequate idea of the thickness of the ice. Unless a special examination were made and recorded he would not take it that the pan ice was too formidaable to be overcome by a steamship properly constructed. After having cleared away the formidable character of the ice that had been anticipated, he says with regard to a steamship passage of the Straits:

"Therefore, I think if we are ever to acquire daily communication between the Island and the mainland in winter, it will be by having a steamer built solely for the purpose, and for no other. I think it would be well for the committee to divest their minds of any opinion they may have formed as to the capability of the steamer, and not to judge the steamer of the future by the performances of those of the past or present; because I consider a steamer can be built that will just as far outstrip the performances of the "Northern Light," as the magnificent Cunard steamers which now cross the Atlantic surpass the little steamer that half a century ago passed down the Clyde for the first time."

Now, I think if Dr. Jenkins was here we should be able to offer him our congratulations on his foresight in making that statement. I agreed with him myself, and have often expressed my sentiment in this House, and I think before that committee, that I trusted to the progress of inventive science to overcome a great many of the difficulties we had to encounter. At that time the project of the hon. gentleman from Alberton for a subway was scarcely known—at all events, it was not very much thought of, and we still trusted to the possibility of navigating those straits by steam. I will just trouble the House with a statement which I took from the New York *Daily Graphic* at the time it appeared, in April, 1888. It was just at the time the steamer "St. Ignace" was about to make her first trip, and her work was to be done at the Straits of Mackinaw, with a view to keeping open communication between two railway termini, where it was found that ordinary steamers had their powers taxed too severely in breaking the pan ice. It must be observed that this fresh water ice is very much harder and more difficult to deal with than salt water ice, apart from the question of the tides. The article states:

"Ever since the construction of the Detroit, Mackinac and Marquette Railroad, which brings into closer commercial union the upper and lower peninsulas of Mackinac, the problem of a winter crossing at the Straits of Mackinac has given railway men and marine engineers a great deal to think about. Crossing with teams was at first the only method, but it was fraught with much danger and discomfort. A few years ago the steamer "Algoma" was constructed to force a passage through the ice, but although she did satisfactory work in thin ice, the heavy 'windrows,' piled up by late autumn gales, proved to much for her powers. These 'windrows' are formed of broken ice piled one lump above another, until the mass reached to a depth of twenty feet under the surface, and often as high above the level of the water. It often happens that these masses ground near the shore, and it is impossible to effect a passage through them. * * * The new steamer "St. Ignace" a picture of which is presented in the *Graphic* of to-day (6th April, 1888) has been built to overcome the 'windrow' difficulty. In addition to the usual propelling engine and screw at the stern, she is furnished with a heavy propellor at the bow, about six feet below the surface. It is expected that the forward screw will enable her to tear a passage through the 'windrows;' it will lessen the lumps of ice which will be carried aft by the current and forced action of the propelling engine. Each screw is driven by an independent engine of great power, and the whole steamer is constructed in the strongest possible manner. She is 235 feet long, 52 feet beam, and 25 feet deep, and will carry ten freight or eight passenger cars, half the number on each side of a thin cabin situated amidships. The steamer leaves Detroit in a few days for Mackinac, and her success or failure will be watched with much interest by marine men."

I subsequently saw, and I think on a former occasion I read, an account to this House of her first performance, which was eminently successful. I cannot say what kind of success she has met since, but the first experiment clearly demonstrates the accuracy of Dr. Jenkin's estimate when he says that the steamer of the future is likely to far excel the best of the steamers that we have to-day. I remember also that in the course of the evidence which I think is to be found in my own memorial, that I certainly did not think it incumbent upon me to expect that a member of the Government holding the position of Minister of Marine should be competent in his own person to deal with every contingency

which may arise in the course of his official business, but I pointed out, and I am very glad to say I think he and his successors have availed themselves of the hint, that what they could not do themselves they had authority to employ assistants to do for them. That was the course adopted by the Government, and I rejoiced when I found that they had recourse to that expedient in the matter of carrying out these conditions. A competent marine gentleman, Captain McElhinney, was despatched to the north of Europe, and by his skill and experience he was enabled to design and to carry out to perfection the steamer we have all approved of so much, and I cannot help thinking that before the Government involve themselves in any entanglement in regard to building a tunnel under the Straits of Northumberland, that it would be wisdom for them to ascertain, by having recourse to the same means and sending experts to enquire into the performance of this winter steamer in the Straits of Mackinac, whether such a steamer as that could not be trusted to navigate the Straits of Northumberland in the winter season. I read that extract because I was persuaded that it presented to the mind of every gentleman who has lived near the Straits, as I know my hon. friend from Wallace has, and my hon. friend from New London who has also crossed it a good many times, and they could not avoid seeing that that is a description even of a more formidable crossing than an ordinary crossing of the Straits of Northumberland, because to a large extent the obstacles which render that crossing difficult would be no obstacle to a steamer such as this upon the Straits with ice such as I have described. Therefore all these points make greatly in favor of a steamer doing our work properly. I would impress still further on the Government the fact which I have urged upon them before, that the experiment has never been tried. Considering the probability that if a tunnel or subway is undertaken, the time during which it will be in progress, and the difficulties which may be encountered in doing so, render it essential in the interests of the Island that some better means than the ice-boats should be found for crossing the Straits in the winter. I would point to this circumstance that the mails, when the boat service is well organized, and they make quick passages, are now delivered in Charlottetown several hours earlier in the day by that route than they are by sending them on to Georgetown, and carrying them across in the *Stanley*. This is a point which makes in favor of crossing at the capes. But I have this much further to say in regard to it before I sit down, and I must apologise to the House for the time I have occupied, that something is still due to the Island, not only because, as my hon. friend has stated, of the large amount of Dominion capital which has been expended in building interoceanic lines for the Provinces generally, with which Prince Edward Island is identified to the extent of one-fortieth part, but the trade which we had before we entered Confederation has been annihilated by the policy which has been adopted. It has had this undoubted effect on Prince Edward Island; it has destroyed our old trade with British ports, a trade which was conveyed in our own ships for the most part, and returned it almost to our own doors. That trade has been annihilated, and we are not in a position to avail ourselves of any advantages which we are offered as indemnity for that loss, because we cannot get across those Straits with regularity in winter. It is for that reason, I say, that it is essential, even though the Government should take hold of the proposal of the hon. gentleman from Alberton, that they should obtain a favorable report as to building the subway or tunnel, that something should be done during the interim that must unavoidably elapse before that tunnel could be in operation, and the interests of Prince Edward Island demand that an improvement in the service in the Straits should be provided for in that interval.

HON. MR. PROWSE—I look upon the question before the House as being one of the greatest importance to Prince Edward Island that could possibly come before Parliament, and I think also that it is one of very great importance to the Senate of the Dominion of Canada as well. You are aware that Prince Edward Island did not enter the Union at the time of the Confederation of other Provinces. That was a Union which took place in 1867, and although the first meeting, as I said on a former occasion, to bring about that Union, took place in Prince Edward Island, yet the terms then proposed on which to effect the union were

not considered applicable and acceptable to the people of that Province, and the consequence was that the Union took place between Canada, Nova Scotia and New Brunswick, while Prince Edward Island did not come into the Union until six years afterwards, in 1873. It was well known, however, not only to the Dominion of Canada at that time, but also to the people of Prince Edward Island, that it was the earnest desire of the whole people of this Canada of ours, as well as the desire of the British Government and the British people, that a Confederation of all the British Provinces should take place, and overtures were repeatedly made and efforts put forth to induce not only Newfoundland, but Prince Edward Island also, to enter the Union from 1867 to 1873. In 1869 I think was the first time that a proposition came to the Island embodying the terms which are now under consideration. and I think it is well worth considering a little closely the peculiar wording of the terms of Union embodied in the resolution of my hon. friend from Alberton. Before doing so I may say, however, that one of the reasons why Prince Edward Island did not enter into the Union with the other Provinces was principally owing to her isolation. We said we had in Prince Edward Island a people as intelligent, as well qualified, and as strong armed as any in the rest of this Dominion, but owing to our isolation for half the year, being cut off from the markets of the other Provinces, it is impossible for Prince Edward Island to enter into the race with the other Provinces while this barrier is in the way. In 1869, the Dominion Government offered to remove this barrier, in the terms of Union now under consideration. I wish to call the attention of this House to the peculiar wording of the terms, and I was a little surprised and sorry to hear my hon. friend from Charlottetown state, for the first time in my recollection, that those terms simply meant steamship communication, or communication by water. I can remember long enough back to recollect when these terms first came to Prince Edward Island, and I can understand the circumstances under which they were offered by the Government of the Province at that time. My hon. friend was leader of the Provincial Government at that time and he and his colleagues found themselves getting rather under water and they came to the Dominion Government and asked for admission to the Confederation. They came to the Island and offered the terms that had been agreed upon to the people of the Island, and these were part of the terms. Very honestly and very properly the Government did not attempt to carry out the Union without submitting the terms to the people. They appealed to the people and I contested a constituency in opposition to the terms that those gentlemen had negotiated, because I did not believe that they were sufficient for the Province. I never heard during that campaign, and I have never heard up to this time, that the terms referred to here meant simply and solely communication by water. It is the first time that it has ever been stated in Prince Edward Island or here, but whatever the hon. gentleman's opinion may have been, or whatever may have been the opinion of his colleagues, I take it that it does not bind the people of Prince Edward Island. We must take the terms as they were submitted to the people and examine them as they are. There is not one word in them about water communication. They knew perfectly well or ought to have known that it was impossible to maintain efficient and continuous communication by water in the winter season.

HON. MR. POWER—I understood the hon. gentleman to say that these terms of Union that were originally agreed upon were not accepted by the people—that the Government was defeated. Did the hon. gentleman when he made his terms of Union understand that the communication was to be by means of a tunnel or subway?

HON. MR. PROWSE—If the hon. gentleman will wait he can have an opportunity to reply afterwards. The people of the Province did not accept the terms negotiated by my hon. friend, and they returned a party to power which negotiated better terms with the Dominion Government. I may say, however, that there was no change made in this particular part of the terms.

HON. MR. HAYTHORNE—The first proposal to give Prince Edward Island steam communication all the year round occurred in 1869. That was at the period when what are called Better Terms were proposed. Subsequently, when the same Gov-

ernment came to Ottawa on a deputation, other terms were proposed which were accepted, and when the Government went to the country they were defeated.

HON. MR. PROWSE—That is what I have just been stating. Now, let us see what the offer is, because I take it we are bound by the terms as they appear in the Act of Union and not by the opinions of those who negotiated them.

It being 6 o'clock the Speaker left the chair.

After Recess.

HON. MR. PROWSE resumed his speech. He said: Just previous to recess I was about to give my views of the literal and common-sense way in which I read the terms of Union embodied in the resolution now before the Senate. In my opinion it does not necessarily follow that the words "steam service" mean communication by steamship. I have no fault to find with the words in the terms of Union. They are comprehensive enough to include communication by steamship or any other way in which steam can be applied for the purpose of accomplishing the object in view. It is guaranteed that we shall have established and maintained an efficient steam service. Now, I like the term "efficient" in connection with this service. I take it that means effectual or something that causes effects. Now, what is the effect that is sought for in the terms of Union? It is steam service for the conveyance of mails and passengers between the Island and the mainland, winter and summer—efficient steam service for the purpose of placing the Island in continuous communication with the mainland. "Continuous" is another word that is acceptable to me as an Islander. No better word could be used there, because if the service is not continuous it would be no better than it was before, but it indicates such communication as the other Provinces enjoy—placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion. That is, I take it, really to have continuous communication with those railways not only for the conveyance of mails and passengers but for the ordinary trade and commerce of the country, so as to give us the same privileges and advantages for trade as the other Provinces enjoy between themselves. The objection may be raised against this contention that we have slept upon our rights, that we have not been as energetic in pushing for our rights in this respect as the importance of the question really demands; but I think I can show that we were justified, to some extent at all events, for the way we have deferred pressing our claims unduly up to the present time. I may say further in reference to the terms, that it appears to me that the gentlemen who penned that clause of the terms of Union and agreed to it were not themselves fully satisfied as to the way that those terms should be carried out. No doubt it was in their minds at the time that it might be done by navigation, but the terms are so worded that if they failed to do it in that way they would accomplish it some other way, and I think they were justified in coming to that conclusion. It was not unreasonable to expect that tunnels might be built of that length to connect one portion of land with another. Only a short time ago a project was started in England to have railway communication between England and France by a sub-way or tunnel, and there were two companies fully prepared to carry out that undertaking. A good deal of preliminary work was accomplished by one of those companies at least, and was only put a stop to by the British Government interfering and saying that it should not be done. With reference to the unforeseen difficulties that might arise in the way of springs of water, referred to by my hon. friend from Queen's County, I wonder that the hon. gentleman did not go further and say that this subway might be destroyed by an earthquake. There is no enterprise that a man can enter into that is free from such unforeseen difficulties. The farmer might as well say that it would be useless for him to sow his grain, because he does not know whether Providence will send him sunshine and showers to give him a harvest. We have to face those difficulties in every undertaking in life, and I do not think there is any greater difficulty in the way in that respect considering the magnitude and importance of the question, than there is in many other matters that people undertake. Reference was made to the difficulties encountered in building the tunnel under the Severn; the great diffi-

culties experienced by the engineers in that undertaking will help us in this matter, because we can profit by their experience. They know better now than ever they did before how to overcome difficulties of that kind. I stated that there were some good and sufficient reasons why the Local Governments and the Province as a whole did not unduly press their claims up to the present time. In the first place, it was an untried scheme. For the first year or two the Government only placed on the route a boat offered to them by some gentlemen in Nova Scotia or New Brunswick, and she was found, after a year's trial, to be totally unfit for the service. Then the Dominion Government bought a steamer which was under construction at the time, intended, I think, for the winter navigation of the St. Lawrence. She was completed and called the "Northern Light" and placed on the route. The people gave them an opportunity to test the capabilities of that steamer and see if she could accomplish the work. She did good service, but it was demonstrated from the first that she did not fulfil the terms of Union and was not satisfactory on the whole. Then came the great undertaking of building the Canadian Pacific Railway, which taxed the resources of the Dominion, and we know that the Government of the day was handicapped and opposed by the great monopolies of the world. It took men of great minds and strong resolution to overcome all the difficulties they had to face in building that railway, and it would have been ungenerous on the part of the Island to press their claims on the Government while their hands were full with an important work. Then, when the railway was completed, they had another difficulty almost as great, the rebellion in the North-West. During that time the Island did not press on the Government the claims of the Province in this regard, but in 1881 they began to agitate this question. They brought it to the notice of the Dominion Government by an Address passed by both branches of the Legislature in the Session of 1881, which was acknowledged by the Dominion Government. They did not promise to undertake the work, they did not ask that a tunnel should be built or that a better steamer should be put on the route, but simply that the terms of Union should be carried out. In response to that address the Government of Prince Edward Island received the following reply, dated the 16th of April, 1881:—

"OTTAWA, 16th April, 1881.

"SIR,—I am directed to acknowledge the receipt of your despatch of the 7th instant, enclosing a Joint Address of the Legislative Council and House of Assembly of the Province of Prince Edward Island, in reference to the establishment and maintenance of steam service for the conveyance of mails and passengers between that Province and the mainland.

"I have the honor to be, Sir,
"Your obedient servant,
"EDOUARD J. LANGEVIN,
"Under Secretary of State."

The next step taken by the Government of Prince Edward Island was to cause a despatch to be sent by the Lieutenant Governor of that Province, dated the 28th February, 1882, calling the attention of the Dominion Government to the address that had been passed by the Legislature of the Province the previous Session, which was acknowledged on the 8th of March, 1882, in the following words:—

"OTTAWA, 8th March, 1882.

"SIR,—I have the honor to acknowledge the receipt of your despatch, No. 9, of the 28th ultimo, requesting a reply to the Joint Address of the Legislative Council and House of Assembly of the Province of Prince Edward Island, passed during their last Session, respecting continuous communication between that Province and the Mainland Provinces of the Dominion.

"I have the honor to be, Sir,
"Your obedient servant,
"EDOUARD J. LANGEVIN,
"Under Secretary of State."

Next came on the 31st January, 1883, a minute of the Executive Council, the last clause of which I will read, showing that the Island Government were fully alive to the rights of that Province to a fulfilment of the terms of Union. The last clause is as follows:—

"The Council in Committee feel that the Government of Canada are justly chargeable with a most serious violation of the terms of Union in this respect; they desire, once more, to bring the matter prominently before Your Excellency in Council, with the earnest hope that the ensuing Session of Parliament will not be allowed to pass without the adoption of effective measures for the immediate fulfilment of the Terms of Confederation; they request that they may be furnished with a reply to the Address of the Council and Assembly herein referred to, as well as to this Minute, in sufficient time to submit the same to the Legislature of this Province, at the approaching session thereof. Should the Dominion Government fail to comply with the just request of this Province, its Government will be reluctantly compelled to lay the grievances complained of at the foot of the Throne, and to appeal for redress to Her Majesty the Queen, as one of the parties to the Articles of Confederation."

During the same year a delegation was sent from the Province to wait on the Dominion Government and to urge the claims of the Province. After the delegation had returned on the 27th March they caused a telegram to be sent to the Dominion Government asking for a reply to their several Addresses and Minutes of Council. The telegram is as follows.

"CHARLOTTETOWN, 27th March, 1883.

"*To the Secretary of State, Ottawa :*

"Required immediately to lay before the Legislature now in Session, Dominion Government's answer to Joint Address of Legislature of April, 1881, relative to steam communication with mainland, and also to Minute of Council of January last upon the same subject.

"T. HEATH HAVILAND,
"*Lieutenant Governor.*"

To this they received a reply stating that the subject was under consideration. Now we gained an important step in that communication. We had the assurance given us then for the first time that this matter was under the consideration of the Government. On the 18th April, 1884, the Legislature passed a second Address, and I may say that although party spirit runs high in the Island, these Addresses were passed unanimously by both political parties in the Legislature. On a question of this kind they were united as one man. The answer to this second Address is dated the 24th April, and is as follows:—

"OTTAWA, 24th April, 1884.

"SIR,—I have the honor to acknowledge the receipt of your Despatch No. 8, of the 18th instant, transmitting, in order that the said may be laid before His Excellency the Governor General, a Joint Address from the Legislative Council and House of Assembly of Prince Edward Island, on the subject of an efficient steam service for the conveyance of mails and passengers between that Province and the Mainland of the Dominion, winter and summer, and to state that this matter will receive due consideration.

"I have the honor to be, Sir,
"Your obedient servant,
"G. POWELL,
"*Under Secretary of State.*"

Following that there was a Minute of Council passed on the 20th February, 1885, which was acknowledged on 6th March, 1885, and the same expression is used, that it will receive due consideration. In the Session of 1885 an Address was passed by the Legislature to Her Majesty the Queen, in which the whole question is so concisely put that I will venture upon the time of the House to read it. The Address is as follows:—

"*To the Queen's Most Excellent Majesty :*

"MOST GRACIOUS SOVEREIGN,—We, your Majesty's most dutiful and loyal subjects, the Legislative Council and House of Assembly of Prince Edward Island, in General Assembly convened, humbly approach your Majesty and represent that :

"1. Prince Edward Island entered the Confederation of the Dominion of Canada upon the 1st July, 1873, on certain terms and conditions set forth in the Order of Your Majesty in Council, dated 26th June, 1873, and of which terms the following is one :—'The Dominion Government shall assume and defray all the charges for the following service, viz. :—Efficient steam service for the conveyance of mails and passengers, to be established and maintained between the Island and the mainland of the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.'

"2. During no winter season since the time of the said Union has the service provided by the Dominion Government been efficient, or the communication with the mainland continuous.

"3. The Dominion Government having shown no sufficient disposition to fulfil their obligation towards the Island in this matter, we are reluctantly compelled to approach Your Majesty, as one of the parties to the articles of Confederation, and pray Your Majesty's intervention to obtain for us that justice to which, as a Province of Canada, we are entitled by the terms of Union.

"4. Prince Edward Island is separated from the mainland Provinces of Canada by the Strait of Northumberland, and during the winter season, which generally begins about the first of December and lasts until the end of April, the harbors and rivers are frozen, while the passage of the Strait is impeded, though at no time wholly prevented, by floating ice. Previous to the Union the only connection with the mainland during winter was by means of ordinary boats, dragged across the drifting ice and propelled by oars through the stretches of open water between Cape Traverse and the Island, and Cape Tormentine in New Brunswick—a distance of nine miles.

"5. During the first winter after Confederation (1873-74) no attempt was made by the Dominion Government to provide such steam service. During the two subsequent years (1874-75, 1875-76) an old wooden steamboat, which had for years been engaged in ordinary navigation, but without a single qualification to fit her for the winter navigation of the Strait, was placed upon the route between Georgetown, one of the Island ports, and Pictou, in the Province of Nova Scotia; and, as was to be expected, she utterly failed in the service required of her. At the commencement of the winter of 1876-77 a new steamer called the "Northern Light" was placed upon this route. This steamer was not constructed for the service, but was designed for another purpose, and therefore her work can be regarded only in the light of an experiment.

"6. The service performed by the "Northern Light" has been most unsatisfactory, her trips being irregular and the accommodation she afforded has been neither continuous nor efficient. According to the official returns for the last four years, there has been an average in each winter of sixty-four days during which she has been entirely laid up. Nor does this furnish any idea of the irregularity of her trips before she entirely ceased running in each of these years, but only of the continued period when she was laid up and inoperative. At times she has been ice-bound for periods ranging from ten to twenty-four days, to the imminent danger of passengers and mails. Upon one occasion, four years ago, some of the passengers —among them women and children—were forced, after remaining on board several days, to leave her and walk a distance of many miles to the shore, when night overtaking them they received injuries from cold and exposure which resulted ultimately in the death of one of the party.

"7. During the time when the "Northern Light" is laid up the people of the Island are obliged to resort to the old method of crossing between the Capes (Traverse and Tormentine) already described, a route attended with many hardships and great danger. In the month of January last a party of twenty-two persons were detained on the ice for two days and one night in an attempt to make the passage, when they suffered most severely from cold and exposure—the majority of them being badly frozen—and several have since suffered amputation of their limbs as a result of the injuries then received.

"8. One of the principal inducements held out to the people of this Island to enter the Confederation, was the promise contained in that clause of the terms of Union quoted at the opening of this memorial, and they naturally expected that a union with the Dominion would bring them uninterrupted communica ion at all seasons of the year with the rest of Canada and the world. They believed that they would, therefore, enjoy equal facilities for intercourse with the other Provinces as those Provinces enjoyed between themselves, and that thenceforth they would participate in many benefits and advantages accruing from the Intercolonial Railway and other public works upon the mainland, from which they had previously been debarred for a great portion of the year. Cut off, as they had always been for nearly five months of the twelve, from all communication with the mainland, except by a most uncertain and dangerous route, the promise of continuous communication with the Intercolonial Railway and the railway system of the Dominion was, indeed, a strong incentive to them to surrender their self-government and unite with Canada.

"9. The inconvenience and loss which they have suffered in consequence of the failure of the Dominion Government to provide them with the efficient communication promised, are incalculable, while the disappointment to their reasonable expectations has not tended to enhance, in their estimation, the value of a connection with the Dominion, but on the contrary, has awakened a feeling of discontent which, though a matter of regret, is not unnatural under the circumstances. Were it only the transport of freight and merchandise that were stopped during the winter, they would have good reason to complain of being precluded from the benefits of the Intercolonial and other railways which their more fortunate neighbors on the mainland enjoy; but their chief grievances is that, in direct violation of the solemn compact upon which they entered Confederation, and to which Your Majesty was graciously pleased to be a party, the Dominion Government have not provided that efficient or continuous means whereby mails and passengers can be transported to and from the mainland.

"10. The people of this Province, we submit, have just grounds of complaint at the inaction of the Dominion Government, and at the extraordinary apathy which has been shown in regard to the interest of this Island, in the matter of communication with the mainland. Nine winters have passed since the "Northern Light" was first placed on the route, and, notwithstanding the fact that her inefficiency for the service was apparent from the outset, no other steps have been taken to fulfil the terms of Union. From the time the "Northern Light" ceases running until she again resumes her trips, a period averaging, as already mentioned, sixty-four days each year, the Post Office Department transmits the mails by the route between Capes Traverse and Tormentine, and during this period in each year, the Dominion Government have, at no time since Confederation, made any provisions whatever, for the transport of passengers, who are forced to make such arrangements as best they can for crossing to and from the mainland. This unaccountable neglect on the part of the Government of Canada is the most direct violation of the terms of Union which we are called upon to represent to Your Majesty. Moreover the Dominion Government have established no communication between the Intercolonial Railway and Cape Tormentine, so that travellers are compelled in passing between these points, to drive in open sleighs a distance of forty miles, in the coldest and most stormy portion of the year. Between Cape Traverse and the line of the Prince Edward Island Railway, a distance of about twelve miles, railway connection has been opened, and that but partially only this winter, although provided for by Parliament three years ago.

"11. The derangement of business consequent upon the irregularity of the mail service, when for many days at a times no communication is had with the rest of Canada, exercises a most prejudicial effect upon the interests of the Island. The hardships of travelling, which only the strong and robust are able to endure, and the dangers attendant upon the present mode which have been most painfully exemplified this winter, are other disadvantages from which the people of this Province suffer most acutely.

"12. The feeling that they are being unjustly treated is not without strong foundation. In order to fulfil the terms of Union with British Columbia, a Province of less than 15,000 of a population, exclusive of Indians and Chinese, Canada has contracted for the construction of nearly 3,000 miles of railway at a cost of more than eighty millions of dollars.

HON. MR. MACDONALD (B.C.)—That statement about the white population of British Columbia is wrong. At that time there were at least 60,000 white people in the Province.

HON. MR. PROWSE—I have seen similar figures to these frequently quoted and have never known the statement to be contradicted before.

HON. MR. MACDONALD (B.C.)—I have never heard or seen these figures before.

HON. MR. PROWSE—At all events the white population of British Columbia was not at that time as large as the population of Prince Edward Island, or anything near it. I have some recollection that British Columbia was admitted to the Union on an assumed population of 60,000, but I am quite satisfied the statement here made is correct. The Address continues:

"This gigantic undertaking is being pushed forward at a rate unparalleled in the world's history, and a vast expenditure is being made, and still more is contemplated, in acquiring and subsidizing other railroads and in forging the links to bind the scattered Provinces from the Atlantic to the Pacific; yet the fulfilment of the terms of Union with this Island, by providing the means of communication over a Strait, only nine miles wide, is postponed from year to year, without any thought, it would seem, that thereby a sacred obligation is being violated, and an immense injury being done to a large body of people.

"13. This grievance of which we here complain has been repeatedly brought to the notice of the General Government, while, session after session, the representatives of the Island in the Dominion Parliament

have called attention to the non-fulfilment by Canada of her pledged faith with this Island. In 1881 we addressed the Governor General in Council upon the subject, and prayed for the adoption of measures to remedy the state of affairs complained of as well as compensation for the loss sustained on account of the non-fulfilment of the terms of Union. This Address was duly acknowledged, but no practical results followed, and upon the notice of the Dominion Government being again directed thereto, assurances were returned in both of the years 1882 and 1883, that the question was under their consideration. Again last year we addressed His Excellency in Council with a like petition, and claiming five millions of dollars for the loss sustained to that time on account of the non-fulfilment of the said terms, and we also informed the Dominion Government that we then approached them for the last time, and that unless a favorable answer was accorded without delay, Your Majesty's interference would be invoked. Beyond a simple acknowledgment of this Address no attention has been paid to it. Again on the 20th February last, the Executive Council of this Island called the attention of the Dominion Government to the various steps which had been taken by the Island to obtain a settlement of the question, and reminded them of the decision at which we had arrived last year to appeal to Your Majesty, and that no alternative was left except to carry that determination into effect. To this Minute the same unsatisfactory answer was received, which has been invariably given. Copies of the correspondence referred to will be transmitted to Your Majesty herewith.

"14. In this the twelfth year of their connection with the Dominion, instead of enjoying that efficient and continuous steam communication with the mainland which was guaranteed them, the people of Prince Edward are, for a very considerable portion of the year, dependent upon the mode which their fathers initiated upwards of sixty years ago, before steam power was ever applied for purposes of locomotion. During these twelve years, they have patiently awaited the fulfilment by the General Government of the terms of Union in this particular, until we are reluctantly constrained to say that the Dominion Government have evinced a marked indifference not only for the welfare of this Island, but for the sanctity of their own obligation as well.

"Satisfied that this state of things cannot longer continue without a breach of that harmony which is so indispensable between the Provinces of the Confederation, and feeling that the Island is being treated unjustly, and its prosperity seriously retarded, we appeal to Your Majesty, and humbly pray, that you will take the premises into your most gracious consideration, and require that justice be done by the Government of Canada to your Majesty's loyal subjects of this Province, by the immediate establishment and maintenance of efficient steam service for the conveyance of mails and passengers between this Island and the mainland of the Dominion, both winter and summer, so as to place the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion; and further, that Your Majesty will be pleased to require that the Government of Canada compensate this Island for the loss which has resulted to its inhabitants, by reason of the non-fulfilment of the terms of Confederation, in the particular complained of herein.

"Certified,
"JOHN BALL, C.L.C.,
"FREDERICK W. HUGHES, A.C.H.A."

I may say that that Address was supported by a delegation from the Local Government, and after having had several interviews with Earl Granville on the question and discussing the matter with that able statesman and the representative of Canada in London, Sir Charles Tupper, Earl Granville sent a very satisfactory despatch to the Dominion Government, which I will refer to further on. I may say that the importance of this communication to Prince Edward Island can scarcely be realized by those who live in other parts of the Dominion. Agriculture is the leading industry of Prince Edward Island, that and the fisheries. We have only from four to six weeks in which to transport our large quantities of agricultural products after they are harvested—you may almost say that they have to be exported within three weeks. We have a limited market for this produce, Nova Scotia being our best customer and next to that the United States. We invariably find that while the produce of the Island is being exported from every harbor in the Province, it gets into the markets about the same time, and the result is that prices immediately drop 25 per cent. or more in a few days. Add to this the inconvenience that the people suffer for want of suitable vessels for transportation, there is such a demand that the freights advance 100 per cent. Vessels that you can secure in the middle of summer for $200 you cannot get in the fall of the year for the same voyage for less than $400. Looking at it in this way, you see the great disadvantage it is to the people of Prince Edward Island to be without communication that we were promised at the time of the Union. The result of our produce being forced into the adjoining markets is to immediately demoralise these markets and bring down the prices. Then again we also suffer in our imports. Unlike the retailers in other parts of the Dominion, who buy supplies as they require them, we have to lay in our stock of imports five or six months in advance.

This you will readily understand is a very great risk, a great loss to the people of Prince Edward Island, and the people feel it most keenly. Previous to 1879 our loss was very serious indeed, for the cause which I have already stated; but in 1879 a new policy was adopted by the Dominion Government, a policy which I, for one, have always believed in—a policy for the Dominion; and that was to encourage home manufactures and provide employment for

our own people, a home market for our own produce and the products of our manufactories. But it has had a contrary effect on the people of Prince Edward Island. Nature has debarred us from the markets of the world for five months of the year by the ice which surrounds Prince Edward Island. The National Policy steps in and prevents us from trading with other parts of the world for the other seven months and obliges us to trade principally, if not entirely with the other Provinces. How necessary then it is to us, therefore, that the Dominion should give us every opportunity of exchanging our products with those of the other Provinces—an advantage which the latter have now for some years enjoyed. Our loss in this respect cannot be valued or computed in dollars and cents. We have as industrious, as intelligent and as thrifty a population in Prince Edward Island for our numbers as can be found in any part of the Dominion of Canada. There is no reason why Prince Edward Island should not be one of the manufacturing centres of this Dominion. We have access, and close access, to the magnificent coal fields of Pictou, in Nova Scotia and Cap Breton. We are in close proximity to the iron mines of Londonderry, and we have in Prince Edward Island the advantages of cheaper food for operatives than in any other portion of the Dominion, and if we had the same facilities for intercourse with the markets of the Continent that the other Provinces enjoy we have not the slightest doubt that large manufactories would have been established in Prince Edward Island long before now. But we are debarred from that because we are excluded, for want of proper communication, from the markets of the Dominion for five months of the year, and by the National Policy from the markets of the world for the remaining seven months of the year. To show that we are not lacking in enterprise we have gone into manufactures there, all that the people can possibly undertake, or that there are facilities for carrying out successfully. Fisheries are successfully carried on; we have lobster factories perhaps second to none in North America, and, as for starch factories, there is more starch manufactured in Prince Edward Island, five times over, than in all the rest of the Dominion put together. We have boot and shoe factories and cloth factories, and we have more than double the amount of money in the Savings Bank per head of the population of our Province than any other Province of the Dominion. Even during the past year, while the amount of the deposits in the Savings Bank of every every other Province in Canada have decreased, they have increased in Prince Edward Island. The following is a comparative statement of the deposits in the Savings Banks of the Dominion, for the year ended 30th June last.

SAVING BANKS, 1888-1889.

	1888	1889	Decrease.
Ontario.....	$ 794,926.97	$ 752,705.15	$ 42,221.82
Manitoba.....	948,527.14	892,036.99	56,490.15
British Col'bia.	1,628,968.80	1,598.945.89	30,022.91
N.-Brunswick	6,269,587.77	6,046,345.76	224,242.01
Nova Scotia....	8,879,584.88	8,411,511.17	468,073.71
P. E. Island...	2,160,430.05	2,224,390	
		Increase	$83,960.10

What is the reason of this decrease of deposits in all the other Provinces? It is owing to the rate of interest being reduced from 4 to 3½ per cent? I have heard it stated in this House before now, even this session I heard it in another place, that the deposits in the Savings Banks are no indication of the prosperity of the country. We have to deposit in the Savings Bank of Prince Edward Island because we have no opportunity of investing money in manufactures, to send them to other countries where they can be sold. In addition to that I may say there is money seeking investment in Prince Edward Island, but there is no opportunity to invest it. We have money invested in Nova Scotia and in New Brunswick in sugar refineries, cotton factories, insurance companies and bank stock, which, if we had the communication with the mainland that was guaranteed us at Confederation, would be invested in our own Province, developing our own resources and establishing new industries in Prince Edward Island. Our loss in that way cannot be fully realized. We cannot estimate it in dollars and cents. If we had this communication to-morrow, we would not be even then in the same position as the older Provinces. Since 1879 the manufactures of the other Provinces have been fostered and encouraged by the National Policy, markets have been opened up and secured to them in every way, and if we had communication now established we would have to compete against these older establishments of the upper Pro-

vinces and our operatives would have to learn their business. I say, in this regard, we have suffered immensely for the want of communication up to the present time, and when the time does come there will be a heavy bill for compensation to be settled for the losses sustained by our Province, through the non-fulfilment of the terms of Confederation. Hon. gentlemen may laugh, but all I have to say to these gentlemen is, if my argument does not bear criticism, if I have stated anything that is untrue or misleading, I would like them to say where it is. But I would suggest to them to place themselves in the same position that we in Prince Edward Island occupy. Shut off Nova Scotia from the rest of the Dominion for five months of the year, having only the same access to the other Provinces that we now have in ice-boats across the Straits of Northumberland, and shut out from the rest of the world for seven months of the year, I ask them what their loss would be? I am astonished to hear hon. gentlemen laugh at a proposition of this kind. I think that we, in the Senate, should see that the small Provinces, powerless to help themselves by force of numbers, shall have their terms of union carried out, or that we should be supported in our demands by the Senate of Canada. It is not my intention to say in what way the terms of union shall be carried out. That is a matter, I take it, for the Dominion Government to investigate into the way in which these terms of union can best be carried out. If they can be carried out with a moderate expense—if the Government can fulfil the terms of union by means of navigation, we shall be satisfied. The less cost the better we would be pleased, but we think they must be carried out. We have a right to expect it and must insist upon it. I have no fault to find with the steamer "Stanley," she is an able steamer—an expensive steamer, but I do say that the service she is rendering Prince Edward Island is not equal to the cost of the steamer—that if we can get no better service and no greater good to the Province, it is a pity to see such a steamer being forced through ice when she ought to be very well secured in the harbor. That she is able to do good service for a month later in the fall, and possibly a month earlier in the spring, I do not deny, but to force that fine steamer through vast fields of ice in winter is a waste of public money, and if it was given to Prince Edward Island for some other purposes, and allow the mails and passengers to be taken across the straits by some other route it would be better than to see it squandered in destroying the "Stanley", as she will be destroyed in a few years if forced across the straits at a time when no such vessel should be forced across.

With these remarks I trust that the House will see the reasonableness of the proposition that has been made to have a thorough investigation instituted by the Government to ascertain in what way the terms of union will be carried out so as to place the people of the Island in the same position that the people of the other Provinces occupy. And to-day that it will endorse the recommendation and the wishes of Earl Granville after hearing the whole question discussed before him when he said:

"The expectations of the Province in regard to the establishment of a constant and efficient communication with the mainland have not been fulfilled."

* * * * *

"There seems to be reason for doubting whether any really satisfactory connection by steamship can be regularly maintained all the year around, which makes it all the more important that the proposed metallic subway should receive a full and, if feasible, favorable consideration on the part of the Government of the Dominion."

"It would reflect great credit on the Dominion Government if after connecting British Columbia with the Eastern Provinces by the Canadian Pacific Railway it should now be able to complete its system of railway communication by an extension to Prince Edward Island."

I may say it would be the crowning glory of the leader of the present Government after completing the union between all the separate Provinces of this Dominion, that he should fulfil its terms to the letter with Prince Edward Island. It would be a direct incentive to Newfoundland to join the Confederacy, which is the only thing wanting to complete the monument to the memory of the present Government and its Chieftain, Sir John A. Macdonald.

HON. MR. POWER—I should like the hon. gentleman, before finally closing, to give the information which I asked for during the course of his speech, and which he thought I had no right to ask, but which seems to me to be very pertinent to the question before the House: That is, whether it was contemplated by any of the parties to the bargain between Prince Edward Island and the Dominion that

there should be a tunnel or subway built across the Straits of Northumberland?

HON. MR. PROWSE—The hon. gentle man asks a question which would take a philosopher and more than a philosopher to answer. How it is possible for me to say what intention the delegates had in their minds? Our Government and people take the terms as they find them. I am no lawyer, but I do claim to have a little common sense, and I take it that this is perhaps a good point in law, that where an agent or representative enters into a contract with another agent or representive, for their employers, it does not matter what is in the mind of the agents. The important question is what is in the body of the contract.

HON. MR. DEVER—Shylock once had a contract also.

HON. MR. PROWSE—These terms came before the people, and the people took them as they found them in print, and not as they were impressed upon the minds of the delegates who entered into the contract. There might be many considerations which would induce the agent to say: "Put something in there that will please the people and satisfy the people and secure their votes, and I will do the best I can to get the people to consent to it if you will secure me afterwards." There might be an arrangement of that kind, but here are the terms written in plain English, well worded, and we only ask that these terms shall be carried out according to the reasonable acceptation of the agreement.

HON. MR. POWER—The hon. gentleman says he is not a lawyer? Still he shows a certain amount of skill in evading the question. Leaving the agents aside, will the hon. gentleman say whether or not, about the time the terms were made for union with Prince Edward Island, it was stated by any one at that time that these terms involved the construction of a tunnel or subway?

HON. MR. PROWSE—We were never told that it would only be communication by water—by navigation.

HON. MR. READ—It might be an aerial communication.

HON. MR. MACDONALD—The hon. gentleman from Murray Harbor stated that the population of British Columbia when the Province entered the Confederation was only 15,000, and he declined to take my word for it that it was more than that. I would refer him to the Statutes of 1872, sec. 3 of the British Columbia terms of Confederation.

HON. MR. POWER—That does not prove that the population was 60,000.

HON. MR. PROWSE—They were allowed to come in with a supposed population of 60,000, but the population was not 60,000, and I must see the Census before I can believe it, because this document was prepared very carefully, and if any wrong assertion was made in it, it would be discovered. I have some recollection of the terms with British Columbia, and my recollection is that that Province was allowed to come in with a supposed population of 60,000.

HON. MR. POWER—This has been a Prince Edward Island day up to the present time, and I suppose we may as well make a whole day of it. I think that the terms of union between Prince Edward Island and Canada have to be regarded with respect to the state of engineering and scientific knowledge at the time the arrangement was entered into. I am informed on the very best authority, that is by the hon. gentleman from Charlottetown, that when the negotiations took place between the two Governments, that hon. gentleman, who then led the Government of Prince Edward Island, proposed winter steam navigation; and Mr., now Sir Leonard Tilley, who was the delegate fron the Canadian Government, and who was dealing with the hon. gentleman from Charlottetown, as representing the Prince Edward Island Government, in reply to the proprosal made on behalf of Prince Edward Island, spoke of the recent successful experiment in keeping navigation open in winter between Quebec and Point Levi by means of a steamer, and Mr. Tilley inferred from it that there would be no greater difficulty in keeping navigation open across the Straits of Northumberland than there was in keeping the navigation of the St. Lawrence open. The terms used in the bargain were the terms adopted by the report of the Privy Council of Canada, and submitted

to the Island Government. They were accepted by the Island Government, and although an hon. gentleman has chosen to reflect somewhat on the hon. gentleman from Charlottetown, the fact is that this particular provision in the terms of union was accepted by both parties in Prince Edward Island. The idea of a subway never occurred to any of the parties, for the simple reason that at that time such structures were unknown—unknown at least to all the parties to this arrangement, and the first time that a proposal for a subway came before Parliament, or before the public in any way, was at the instance of the hon. gentleman from Alberton. The terms of union, as understood by both parties, were that an efficient steamer should ply between Prince Edward Island and the mainland. The hon. gentleman has spoken of the early efforts in this direction as being ineffectual. Then came the "Northern Light." She was better than the vessels that had gone before her; but after a while it was felt by the people of Prince Edward Island that the accommodation afforded by her was not satisfactory, and this dissatisfaction found expression in the various documents read by the hon. gentleman from Murray Harbor and in some read by the hon. gentleman from Alberton. While the "Northern Light" was still running, the hon. gentleman from Alberton brought before this Chamber his proposal for a subway; and up to that date I do not think it had ever been suggested by any one that communication with the mainland should be by a subway or tunnel. The hon. gentleman from Alberton, I think, deserves a great deal of credit for the persistence with which he has brought this matter before the public, before the Government, and before this House; and I am glad to see that he continues to bring it here. Since the hon. gentleman has agitated the subway question another steamer has been put on the route which, I understand, is more efficient than the "Northern Light," but which is not quite satisfactory to the people of Prince Edward Island. But while it is perfectly true that the hon. gentleman from Alberton has done his best to see this subway—I rather think from the way he speaks to-day he is not so clear about the subway, and thinks that a tunnel might be better—constructed, I do not think that it is fair that the efforts of the hon. gentleman from Charlottetown should be ignored. That hon. gentleman, ever since I have had the honor of a seat in this House, has brought up nearly every session the question of the improvement of communication with Prince Edward Island, and the memorial which he submitted to the Committee of the other House some years ago contained as much valuable information as any other document submitted by any one individual. No fault can be found with any of the gentlemen from Prince Edward Island; and I think it is, to say the least, somewhat ungenerous for the hon. gentleman from Murray Harbor to endeavor to reflect upon the conduct of the hon. gentleman from Charlottetown. The reflection is quite undeserved. Having said so much on the history of the question, I wish to say a few words as to my own views of the duty of the Dominion Government. I do not say that the Government have not complied with the terms of Union. That is possibly a debatable question. Prince Edward Island people think that the Dominion Government have not complied with the terms of Union, and the Dominion Government think they have—that they have done all that could be expected to establish a reasonable communication by water, and that that was all they were bound to do. But I think, apart altogether from the terms of Union, it is the duty of the Dominion Government to give to the people of Prince Edward Island the best means of communication with the mainland that can be afforded at a reasonable cost.

HON. MR. PROWSE—What is a reasonable cost?

HON. MR. POWER—My opinion as to what is a reasonable cost may not be the opinion of the majority of this House, and it may not be the opinion of the Government; but I shall select one criterion: The Domiion Parliament a little while ago voted a sum of something over $3,000,000 for the purpose of constructing an entirely useless work across the Isthmus of Chignecto—a work that was not asked for by any considerable number of persons—and I think it would certainly not be unreasonable for the Dominion Government to spend at least as large a sum in securing a communication with the 125,000 inhabitants of Prince Edward Island as they expended.

for no good purpose in that ship railway, I am not prepared to say that the Government and the country would not be justified in spending a larger sum for that purpose. My own impression is that if this work could be done for about $5,000,000 the Dominion Government would be quite justified in undertaking it. As the hon. gentleman from Alberton has shown, I think the country would not really lose very much if they constructed the work at that cost. With the rate of interest as low as it is at present, the probabilities are that the interest on the cost of constructing the work, if the principal was not more that $5,000,000. would not be much more than the annual cost of maintaining the existing service.

HON. MR. HOWLAN—Not quite so much.

HON. MR. POWER—Therefore, I think, as far as I could gather from the hon. gentleman, I substantially agree with him on that point. That is my view as to what the Government ought to do. As the hon. gentleman very properly said, the Government did not hesitate to spend something like $70,000,000 in obtaining the best method of communication with the population on the Pacific coast, which certainly was not as great as that of Prince Edward Island. I say this, although I am to a certain extent speaking against my own interests, because the hon. gentleman from Murray Harbor has made it perfectly clear that if this communication beneath the Strait, or any other mode of communication between the mainland and Prince Edward Island, is established, which will be continuous and effective, the effect will be to make us in Halifax pay more for our oats and potatoes and other necessaries of life. But still I am public spirited enough to be quite willing that Prince Edward Island should have improved communication with the mainland, even though we have to pay a little more for the produce we get from there. I was rather surprised to hear as warm an advocate of the National Policy as the hon. gentleman from Murray Harbor, informing us that as far as Prince Edward Island is concerned the effect of that policy has been disastrous. I am surprised at that; because the theory of the National Policy is that we should do our trading amongst ourselves; and, when the people of Prince Edward Island are shut in for four or five months of the year, they have admirable facilities for trading amongst themselves. The Address to the Queen which the hon. gentleman read included a statement that there was no communication with Tormentine. Since that Address to Her Majesty, railway communication has been made between the Intercolonial Railway and Tormentine, so that things are gradually improving even under the present system. The hon. gentleman was obliged to admit also that although the present Government have been in power nearly 12 years, things are really not any better than they were when they came into office, notwithstanding all the promises which they made to the electors. It is well to have that frank avowal from the hon. gentleman. Now, with respect to the wording of the resolution before the House, I feel obliged to say that it is not satisfactory, and that it is not altogether what should commend itself to the judgment of the House. In substance I think the resolution is right and proper, but I do not think that the wording of it is exactly what it might be. The resolution suggests to the favorable consideration of the Government:

"The appointment of a Board of Civil Engineers, accustomed to hydraulic works, and works altogether or principally in the water, with a view of ascertaining—1st. The feasibility of construction and maintenance and the cost of a metallic subway across the Straits of Northumberland, commencing at or near Cape Traverse, in Prince Edward Island. 2nd. Any other plan which they can recommend to fulfil the terms of Confederation made with the Province of Prince Edward Island, viz.: 'To establish and maintain efficient steam service for the conveyance of mails and passengers between the Island and the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.'"

The Board of Civil Engineers, suggested by the hon. gentleman from Charlottetown, while they might be very proper persons to inquire into and report upon the feasibility of the construction of a subway, might not be at all the persons best qualified to enquire into other means of maintaining communication; and I also think that the general trend of feeling is against the subway, and that the general feeling is that if any submarine work is to be constructed it should be a tunnel. The main objection to this resolution is that if adopted by this House it would bind us to a declaration that the terms of Union had

not been complied with by the Dominion Government. That is a question as to which there is a difference of opinion; and I think the hon. gentleman from Alberton, if he wishes to secure any large support for his resolution in the House, is unwise in keeping in that resolution a declaration as to which a great many members of the Senate cannot concur with him. For these reasons, I have thought it well to submit the following amendment to the motion made by the hon. member from Alberton:

That all the words in the said Resolution after the first "That" be stricken out and the following words substituted therefor:—

"The Government be requested to cause a thorough inquiry to be made by properly qualified persons for the purpose of ascertaining the feasibility of constructing and maintaining a tunnel or other submarine way across the Strait of Northumberland, and the probable cost of such construction and maintenance; and also the feasibility and probable cost of any other plan which may be suggested for the improvement of the existing means of communication between Prince Edward Island and the mainland."

That resolution, whatever its defects may be, has the advantage of not expressing any opinion as to the way in which the Government have complied with the terms of Union; and it speaks of properly qualified persons, "instead of civil engineers," so that proper persons may be selected for both the purposes indicated. It does not bind the country to any large expenditure of money. I think that Prince Edward Island is entitled at least to such an expenditure on her behalf as may be involved in making the inquiry provided for in this resolution. If after the inquiry has been made it is discovered that the cost is reasonable, then I think that it would be the duty of the Government to recommend that the work be undertaken. If, on the other hand, it appears that the cost is what might fairly be regarded as unreasonable, then we shall know that the cost is too great; and I believe that the people of Prince Edward Island and their representatives in this House—even the hon. gentleman from Murray Harbor—would not be so unreasonable as to expect the Government of the country to go into an immense expenditure for the purpose of maintaining communication between the Island and the mainland.

HON. MR. ABBOTT—My hon. friend from Alberton has presented his case with much earnestness and has shown great persistence and energy in seeking to improve the communication between Prince Edward Island and the main shore, but I did not expect to find that the efforts which the Government have made in that direction would be so entirely ignored as they have been, not by my hon. friend altogether, although he has devoted very little attention to the last step which the Government took in that direction, but by other hon. gentlemen who have addressed the House. It is well that I should say a word or two as to the exact position of the question. About four years ago my hon. friend himself made a proposition to the Government to build a subway across the Straits of Northumberland, and he stated the consideration which the company that he proposed to get up, expected for that work, which we may take, I imagine, to be his estimate of what such a construction would cost. The consideration that he proposed to demand was an enormous sum of money, but in my opinion did not approach the actual cost of the work which he desires shall be done. The consideration which he suggested on that occasion was that the Government should hand over to the company, the Prince Edward Island Railway, a line 213 miles long and costing over $3,500,000, and that they should pay to his Company, in perpetuity, $250,000 a year. In consideration of this, however, the company was to build several short branches of railway within the Island for which there was to be no further charge. Now, $250,000 a year in perpetuity, represents a sum of say about $8,000,000, probably more than that, but taking it at $8,000,000 the road having cost $3,500,000, we will say, the consideration which my hon. friend proposes was obviously $11,500,000 for this subway. My hon. friend gave reasons at the time for making this proposal, by which he undertook to show that it would cost the country nothing more than the present system, but I do not think that those reasons, at all events, would apply at the present moment. The service which my hon. friend contended at that time cost the Government two hundred odd thousand dollars a year does not cost the Government anything like that sum at present—in fact, the total cost of the service at present, including the loss by the Prince Edward Island Railway, during the past year, would not amount to one-third of the sum mentioned.

HON. MR. HOWLAN—One-third of $250,000?

HON. MR. ABBOTT—Yes.

HON. MR. HOWLAN—The hon. gentleman is mistaken.

HON. MR. ABBOTT—Those are the figures given to me. I have nothing to do with that offer now, except as an indication of what my hon. friend thought this tunnel would cost. Now, this proposition was considered by the Government to some extent, a report was made on it in one of the Departments, and, probably, an answer given to my hon. friend—at all events, it was not accepted. In 1887 my hon. friend called the attention of the House to this subject and requested that the attention of the Government might be directed to it, and it was. He made on that occasion an able and elaborate statement of the facts. There is no doubt there was at that time considerable cause of complaint as to the nature of the crossing which had been provided between the main shore and Prince Edward Island. My hon. friend was then told on behalf of the Government that the matter was under consideration, and that steps would be taken to improve the communication. The Government carried out that promise. The Government satisfied themselves that the project of making a tunnel across the Straits of Northumberland or a subway —two very different things, by the way— was really in one sense impracticable—that is to say, it would cost so much as not to justify the expenditure of the sum required for the service which it was intended to perform. Of course, we know nothing is impracticable to engineers: they can do anything, if there is only enough money to do it with, and the question which the Government should consider, and I hope it will be held, notwithstanding my hon. friend's strictures, the question the Government invariably does consider, follows under all circumstances, is the proportion which the cost of the service will bear to the advantage it confers on a section or on all of our fellow citizens. And the Government came to the conclusion that the amount which that tunnel or subway would cost was greatly in excess of the proportion it should bear to the advantages which would be gained by the amelioration of the transport service. It is possible that hon. gentlemen may not have a clear idea of the cost of these tunnels. Now, I have just taken the trouble this afternoon to glance at the subject, and I find that the cost per mile of the Arlberg tunnel was $950,400 per mile; of the St. Gothard, $1,258,400 per mile; of the Mont Cenis, $1,988,800 per mile. These are on land, not under water. The Thames tunnel, which is under water, cost $11,440,000 per mile. The Severn tunnel, which is the most recent of those tunnels, and which is a very much admired work, though it, like every other tunnel, was subject to constant difficulties—every tunnel that I know of has been subject to unexpected difficulties—cost, if I am right in calculating the length at 4½ miles, $3,333,333 a mile. At that rate, which I think we might fairly take as, apart from mere engineering estimates, a reasonably probable measure of the cost—because engineers cannot take account of the difficulties that may be found in the bottom of the ocean—this tunnel, if we take one of the routes which connects the two railways, and which is eight miles long, would cost $26,000,000. The shortest route, which would require to be connected by railway (but that, of course, when we talk of the cost of the tunnel, is a small affair (would cost $20,000,000, to make it six miles long. These figures are apalling. It must be remembered that if this tunnel is six miles and a-half miles long it will cost $21,500,000, and this would give a sum equal to $210 per head for every man, woman and child in the Province. Remembering that fact, let us see how the transport across the Straits stands at present. As I say, the Government made up their minds that this project of constructing a tunnel or subway was too expensive to be contemplated: it was not justified by the benefit it was calculated to yield to the people. Hon. gentlemen are aware that the "Northern Light" was an experiment, and nothing more. We were aware that it did not perform the service in the manner in which we desired it should be done, and we sent a person across the Atlantic to the northern European countries, to find out the best mode of construction for a steamer that would perform the service across the Straits of Northumberland, which we desired to render to Prince Edward Island. We got the best plan which it was practicable to get, and built the "Stanley" according to that plan. The "Stanley" is constructed of steel, and has been built within the last year and

a half or two years, on the most approved principle for resisting ice, and she has performed the service—I have not heard one gentleman from Prince Edward Island who has spoken say otherwise—most efficiently. I am assured from enquiries that I have made of the Department that she has only failed three times during the past year in making the transit across the Straits at the ordinary time or thereabouts. The proposition, therefore, is that we are to make a subway or a tunnel to create communication across the Straits of Northumberland at a cost—at my hon. friend's estimate—of about $11,000,000, or at the cost of the Severn tunnel, of $21,000,000, in order to provide better crossing on three days of the year. That is actually what it comes down to, and that illustrates how premature this demand is at this moment. There is nothing yet to show that this steamer does not, with reasonable efficiency, and more than reasonable efficiency, perform the service which is required for the crossing of the Straits of Northumberland. My hon. friend from Marshfield, who always speaks with candor and straightforwardness on every subject, has stated that the vessel does good service, that she performs the service with fair efficiency; and my hon. friend from Alberton, in his address, did not devote half a dozen sentences to any imputation on the inefficiency of the "Stanley." My hon. friend from Murray Harbor in his speech dilated upon the sufferings and the troubles of the people who travelled by the "Northern Light" and by ice-boats across the ice, but he did not materially depreciate the service by the "Stanley." What he did say was as much praise of the "Stanley" as could be expected from a gentleman who insists upon a subway or tunnel across the Straits, and who stands upon the ground that the agreement with the Island originally was to have a subway, and not a service by steamer. He said that the words "steam service" did not mean service by water, and he stated that everybody in his senses at the time knew that a service by water could not be efficiently maintained, and that it must have been a different service that was intended. Now, I say that an hon. gentleman who thinks that the original bargain was that we should make a tunnel is not likely to give anything but faint praise to a steamship service, and yet my hon. friend did give the crossing by the "Stanley" something more than faint praise. He found no fault with it in any great degree. I take it, therefore, we are justified in assuming that up to this time the service rendered by the "Stanley" is as good a service by a steamer as it is possible to procure. We may find that we have been deceived in that, because, as I learn, and as we all know, the winter has not been very severe during the past two seasons, and it may turn out in the future that if the winters should prove colder and a greater body of ice should appear in the Straits this steamer will not perform the service efficiently. But surely, before we plunge into this enormous expenditure, which my hon. friend from Halifax is willing to put at $5,000,000, and which he thinks we should expend, because in his opinion we spent $3,000,000 elsewhere foolishly——

HON. MR. POWER—I did not say that.

HON. MR. ABBOTT—The hon. gentleman said that the Government ought to be made to do this, because they had spent $3,000,000 foolishly elsewhere.

HON. MR. POWER--I did not put it that way.

HON. MR. ABBOTT—Very much like that, in substance. But my hon. friend did not stop there. Another of his reasons for thinking that the Government should spend at least $5,000,000 on this service was that they had spent $70,000,000 in obtaining access to British Columbia. Now that is a statement of the case which is not characterised by my hon. friend's usual fairness and candor. The expenditure of $70,000,000 on the Canadian Pacific Railway was not made only to enable us to get to the Pacific Ocean, or to carry out the agreement with British Columbia: it was made to enable us to open up our enormous North-West Territories, and for a good many other purposes which I need not mention, besides merely getting to British Columbia. That was an argument which my hon. friend from Murray Harbor also used, and he desired to give it point by understating, I think, the population of British Columbia. Now it does not seem to me that these are arguments at all. Let us assume for a moment that the Government did spend $70,000,000

for the purpose of reaching fifteen thousand people in British Columbia: is that a reason for spending $21,000,000 to reach for three days of the year one hundred thousand people? I do not care if there was extravagant expenditure, that is, as a reason for present injudicious expenditure. I do not wish to discuss this subject at any great length, but I can assure my hon. friend that the Government are determined that there shall be as good a service across the Straits of Northumberland as it is possible for them to establish within any reasonable bounds of expenditure. If the "Stanley," which at considerable cost they have built expressly for the route, does not continue to perform the service efficiently, as it has done in the past, we shall have to consider what next we are to do; because we are bound to give a service as good as can possibly be furnished for the amount we are justified in expending there. We are anxious to give that, and we require no pressure whatever to induce us to give it. We think we have done it now; we think we have furnished a crossing which is satisfactory, as far as satisfaction can be attained. It is possible and probable that for the purpose of the transit of freight, if this style of vessel answers the purpose, other vessels may be put on, and possibly, if circumstances demand it, assistance may be given them. Or we may adopt another route. I am told that there is a route to the westward of the Island, where there is very little ice, and where for a comparatively small expenditure vessels could carry trains across at all seasons. These are subjects which will come up if necessary hereafter, and will receive due consideration when they do come up; but at this moment I think we are in the position of having commenced a new experiment, which so far has operated well, and promises well; and I think it is premature to set about something else before we have found out that this is a failure. I sympathize with my hon. friend's desire to have all the information possible on the subject, and as the Government really did make all the necessary enquiries and investigations when this matter came up before it on a former occasion, such information is in the archives of the Department. There are a great many valuable statistics there as to the work required for a subway or tunnel, which ever it is—although they are two very different things—and to the cost of it—as to the possibility maintaining the subway which, as I understand it, is to lie on the bottom of the sea, and which is to be exposed to the floating ice passing backward and forward all winter; or a tunnel below the surface, which would be free altogether from that difficulty, but which would be more costly than the metal subway that my hon. friend proposes. I have no doubt that we have all the information which would enable the House to judge of the propriety of the expenditure necessary for a subway, and it can be got without the necessity of issuing an expensive commission, and spending twenty or thirty thousand dollars in doing what we have practically done. We have accurate surveys of the two routes across the Straits of Northumberland, and measurements of almost every yard in the whole distance. We know the character of the adjacent banks exactly, the nature of the currents and tides; all these matters have been made subjects of examination, and we have the information in the Departments; and if my hon. friend asks for it I shall facilitate in every possible way his efforts to get the information necessary to enable the House to form an accurate idea of the cost of building such a subway. Of course, in the event of the means which the Government has provided for transit being found insufficient, further information will be procured. I would suggest my hon. friend to convert his motion into an address asking for such information as he wants—though I think he knows as much about it as any engineer does—but all events for the information of the House, and bring it forward in an official way. If he will do that I will facilitate in every possible way his getting all he desires, but I do not think he ought to press this motion, or the motion in amendment. I did not propose to take any exception to the form which the motion took. The second is not so objectionable; but although it does not state the imputation upon the Government directly, it implies that the Government have not done their duty, otherwise a commission would not be required. Let us wait until we have a severe season, and then if this vessel is not equal to the demand upon it, I think it will be time enough to call upon the Government to take some other mode of improving the

communication with the Island. It may possibly take the form of selecting another point for the ferry. The route may be a little longer, but it will be free from ice and capable of being traversed at every season of the year. I learn from my hon. friend from Shediac that there is such a route; but until the deficiency in the present service is established, I think the Government ought not to be pressed to go to further expense in the matter—for the present, at all events. If it be merely information that is wanted, then I do not think this House should pass a resolution calling upon the Government to issue a commission to ascertain information which it already possesses, which would not place the House in a very good position before the country.

HON. MR. POWER—The hon. gentleman will oberve that the amendment does not call for a commission.

HON. MR. ABBOTT—It does not call for a commission, it is true, but the same objection I think is applicable to it; because, as I have explained, we possess the information which the amendment asks for—the motion in amendment asks us to do what we have already done, and therefore by implication asserts that we have not done it. If the information is asked for, I undertake to say, that with the greatest possible despatch it will be prepared and laid before the House. I would suggest that as no doubt the object of my hon. friends has been gained, the motion be withdrawn, and in suggesting that I give my assurance that all the information that they ask for will be furnished by the Department.

HON. MR. HOWLAN—I have listened with a good deal of attention to the debate which has taken place on this question, and I have not the most remote doubt in my mind that the hon. gentlemen who have taken part in it have spoken with perfect sincerity, and have furnished what appeared to them sound reasons for the views that they entertain. My hon. friend from Nova Scotia was the first speaker, and he asked had we taken the precaution to get all the information necessary. I would not have adverted to it but for the fact that it will be necessary for me to refer to it as we proceed further on. We took every precaution; we asked the Government, and they kindly gave us the services of two engineers, and $1,000 each year to make a survey across. More than that: feeling that the mode we pursued in surveying across might be insufficient, I took the trouble to write to Sir Charles Tupper to ask the Imperial Government to permit their vessel, the "Gulnare," which was there at the time, and which was better equipped than any we had, to make a survey which would be recognized as correct. There have been as many different statements made about the distance across the Straits as about the cost of the undertaking. We have been told that the route was 20, 10, 15, 18 miles, and when we had established, beyond any question of doubt, that it was only 6½ miles, the statement would have been doubted had it not been confirmed by the gentlemen who were in command of the Imperial survey there. We have done so; my hon. friend from Lunenburg will see that we took every precaution possible in making the survey. More than that: we made borings, and secured samples of the material at the bottom, so there can be no question at all regarding the distance across, or the material of which the bottom is composed. All that information has been procured. If that information is placed before a competent tribunal no doubt we will be able to get an estimate of the cost of the undertaking, and it was to get that that I have asked the Government to submit this matter to a board of competent engineers. A great deal of stress has been laid—unnecessary stress—as to the meaning of this term "efficient service." My hon. friend from Halifax asked the hon. gentleman from Murray Harbor whether the representatives of Prince-Edward Island who made the terms of Union had a tunnel in view. At the time the agreement to make the Baie Verte Canal was entered into, was there any such thought in the mind of any one as building a ship railway at Chignecto? Was there a ship railway in the world at the time? As a matter of fact, the ship railway at Chignecto is the only structure of the kind in the world to-day. I had something to do with the making of the terms of Confederation, and was one of those who came here to make the terms. The first time that the subject was mentioned informally at the Council Board in

Charlottetown it was suggested by Sir George Cartier. I asked him: "How are we going to do this? It is all very well to say that it is to be done." What was the answer? "There is nothing impossible to the Privy Council of Canada." Hon. gentlemen may laugh; it is a very easy matter to laugh, but if the laugh had taken place before the Union the Island might not have so easily come into the Confederation. Then the hon. member from Marshfield spoke of the Severn tunnel, and told us that the difficulty in building that was the water. Let me explain, in the first place, the difference between a tunnel and a subway. The term "tunnel" is usually applied to a structure that is built of stone, the same as the old Thames tunnel. The subway is a tube which is put together in consentric rings or pieces until it forms a whole built under a shield. No matter what the conditions may be, some gentlemen are so constituted that no matter what you propose to them there is some fault to be found with it. The hon. member for Marshfield tells us that the difficulty in this case is likely to be that water might be met in crossing the Straits of Northumberland. But there is a difference between the structure under the Severn and the one that I propose. The latter is to be built by the use of Walker's shield; the former was constructed of bricks, and 75,000,000 of bricks were used in the work. The Severn estuary has a deep channel fed by springs, and the tide resembles that of the Bay of Fundy. The tide came in with such force that it swamped everything that was made for eleven years to keep the water from the work. What a difference there is in building a structure brick by brick, and constructing a work like this within a shield! It was to overcome the difficulty of water that the shield was invented. It is to cheapen tunnels and place them within the reach of corporations and communities throughout the world that this mode of construction has been adopted. I do not set myself up as an authority on the subject. I give my authorities and mention the tunnels that have been built, and I can assure my hon. friend, from the best information I can obtain, that the difficulties which were met in the construction of the Severn tunnel are not likely to be met in building the subway across the Straits of Northumberland. But there are some gentlemen who consider their ideas are better than Mr. Walter Shanly's or General McAlpine's, or of any other engineer in the world. The opinions of those engineers are good for nothing, and these gentlemen have an idea that what does not strike their minds as feasible cannot be done. Walter Shanly, who built five miles of tunnel through the Hoosac Mountains, when the best American engineers gave it up, says that this subway can be built. Certainly his words are more worthy of consideration than the words of those who have not the necessary information to base an opinion on. The model of the steamer "Stanley" was referred to. This model was obtained through the Norwegian Consul at Quebec, in my capacity as Norwegian and Swedish Consul at Prince Edward Island; he sent it to me, and I took it to the Department to show them that the steam ferry "Gottenburg" was crossing the Cattegat regularly and successfully. I went to the Department with it, and I was met with a statement that no such thing was ever known as an iron or steel steamer contending with ice. "Why," I said "here is the report that it has been done, and this is the model of the boat which does it." Finally, we prevailed upon the Government to send Captain McElhinney to Norway to go on board that steamer and see it for himself. He went on board the vessel, got her model and satisfied himself. From his experience on board an ice steamer for three years in the Gulf he was satisfied that no boat could possibly do that work. He caused the model to be lengthened 60 feet, so as to make the "Stanley" serviceable for other purposes. I have the greatest respect for the "Stanley," that she can do anything that can be done by a steel steamer, but I am bound to say, in this House, that it would not surprise me to hear any day, that in facing the ice of the Straits of Northumberland in the winter season she had gone to the bottom. We were referred to the steamer at the Straits of Mackinaw, and I would be glad to find that a steamer could do this work. I went to the Straits of Mackinaw myself, and saw the state of affairs that existed there. I found a current of 5 knots an hour running continually, and the ice from the upper lakes forming a bridge to open water. The steamer "St. Ignace" could mount on top of the ice and break the

bridge, and the moment it was broken away it would go with the current. But that steamer would be totally useless in the ice in the Gulf. No man would be better satisfied than I if we could find a boat anywhere that, in my judgment, could do this work. I do not think the "St. Ignace" could cope with it. The hon. gentleman from Charlottetown spoke of the Severn tunnel as having cost two million sterling.

HON. MR. HAYTHORNE—I said three million sterling.

HON. MR. HOWLAN—The London *Times* newspaper gives the following account of the cost of that structure:—

"The Severn tunnel, which has been thirteen years in construction, and has cost a little over £2,000,000, was opened a fortnight ago for goods traffic. It is nearly 4½ miles in length, of which 2¼ are beneath an arm of the sea. In its construction 75,000,000 bricks have been used."

It must be borne in mind that the cost of this tunnel was enhanced from the fact that a large amount of money was wasted in experiments before Walker took hold of it and finished it. But even then, that is something different from the cost estimated by the leader of the Government. But the two tunnels are entirely different. The cost of the Mont Cenis tunnel is not, in my judgment, as great as stated by the leader of the House.

HON. MR. ABBOTT—I took it from the Encyclopedia Britaninca.

HON. MR. HOWLAN—It is a bad authority. My hon. friend from Halifax makes little of Prince Edward Island with regard to her looking for her rights in this matter. It comes with very ill grace from a gentleman from Nova Scotia, where railways have been built by the Dominion all over the Province.

HON. MR. POWER—The hon. gentleman is mistaken; I think I recognized the claim of Prince Edward Island pretty fully.

HON. MR. HOWLAN—We have 225 miles of railway in Prince Edward Island, 212 miles of which we have paid for with our own money, and the hon. gentleman has no right——

HON. MR. POWER—I did not belittle the claims of Prince Edward Island at all.

HON. MR. HOWLAN—Then I have wasted my time in taking these notes; the hon. gentleman certainly belittled Prince Edward Island.

HON. MR. POWER—No, I never dreamed of doing so.

HON. MR. HOWLAN—The hon. gentleman said that the time we entered into the agreement there was no such thing thought of as a subway. I say that Nova Scotia has since that had branch lines built all over the Province, while Prince Edward Island has not had a single mile built by the Government.

HON. MR. POWER—What has that to do with it?

HON. MR. HOWLAN—It has this to do with it: While the hon. gentleman is quite satisfied that Nova Scotia shall receive every accommodation possible, he thinks Prince Edward Island has no right to any consideration at all.

HON. MR. POWER—I never said anything of the sort. I must protest against the hon. gentleman putting language into my mouth that I did not use and did not intend to use. I appeal to the House if the gist of my remarks went in that direction at all. I rather claimed that Prince Edward Island had a right to every thing that could be done within a reasonable sum, and I gave the cost that I would suggest the Government should undertake if a subway could be obtained for it as five millions of dollars, a sum which the hon. gentleman has himself mentioned.

HON. MR. HOWLAN—I will give the hon. gentleman the amount that has been spent in Nova Scotia for branch railways:

	Miles.
Western Counties Railway	67
Windsor and Annapolis Railway	84
Spring Hill and Parrsboro'	32
International, C.B.	13
Sydney and Louisburg	10
Maccan and Joggins	12
Nova Scotia Central	34
	252

HON. MR. POWER—The Spring Hill and Parrsboro' was built by Nova Scotia.

HON. MR. HOWLAN—And the Dominion has paid for it.

HON. MR. POWER—No; it was built after Confederation by the Province.

HON. MR. HOWLAN—Then take the Province of New Brunswick, where they had the following railways built since Confederation:—

	Miles.
Albert Railway	51
Buctouche and Moncton	32
Prince Edward	35
Elgin, Petitcodiac and Havelock	26
St. Martin's and Upham	14
Kent Northern	30
Grand Central	40
Harvey Branch	16
Caraquet and Bathurst	60
Northern and Western	95
Derby Branch	14
Grand Southern	65
	478

And what is the consequence of the construction of all these branch lines of railway? The consequence is, towns are being built up, factories are being established and population is increasing, but we are told that we in Prince Edward Island should not ask for anything. Now I come to the question put by the leader of the Government. My offer to the Government was made upon the responsibility of Mr. Vernon Smith, C.E., representing Mr. Greathead, the eminent engineering authority on subways in England. When I came to show the Government the cost of the railway and boat service, the loss to the railway and the loss by the boats, some $214,000, I was told at once that that was no proof that the building of this subway would assist the railroad of Prince Edward Island to earn money—in other words, not to lose money; and I said in answer to that: "If that is the case—if you believe that the railway will not earn its running expenses—we will take the railway over from you and operate it ourselves." It is absurd to say that this subway will cost $25,000,000. I am surprised that the leader of the Government should suggest any such sum as being the cost of it. The offer I made to the Government was this:

"OTTAWA, 10th March, 1886.

"To the Right Hon. Sir JOHN MACDONALD,
"K.C.B., Premier of Canada.

"DEAR SIR,—Referring to our several interviews respecting the construction of a subway across the Northumberland Straits, between Capes Traverse and Tormentine, I beg to submit for the consideration of the Government the following propositions:—

"1. The Government is expending annually at Prince Edward Island over two hundred thousand dallars, *i. e.*—

"The loss annually on railways.

"The cost and maintenance of "Northern Light."

"The subsidy to summer steamers, and

"The expense of running the ice boats at the Capes.

"This sum cannot, in my opinion, be decreased, however much it may be increased, as the present state of the winter and summer connection is neither satisfactory to the travelling public nor to the people of the Island.

"2. With a view to make the Prince Edward Island Railway and subway remunerative it will be necessary to build several branches, which have been prayed for by the people from time to time, and which, in my opinion, are necessary, viz.:

"From O'Leary station to the Western shore.

"From County Line station to New London and Rustico.

"From Charlottetown to Belfast and Murray Harbor.

"From Souris to East Point.

"Those branches run through some of the most fertile and prosperous parts of the Island, as well as tap the carrying trade from the fisheries of the North and South sides.

"3. I am prepared to form a company to build these branches and take the railway off the hands of the Government, complete the subway across the Straits, and work the whole system, finding ample security therefor, to the satisfaction of the Government, on a tariff subject to the approval of the Governor in Council, thus affording 'Efficient steam service for the conveyance of mails and passengers daily, winter and summer, between the Island and the Dominion, and also placing it in continuous communication with the Intercolonial Railway and the railway system of the Dominion.'

4. The Government shall deed to the said company the railway and equipment with a right of way to said subway.

"That all materials for its construction shall come in free of duty, and the Government shall pay or cause to be paid to the said company, in half yearly payments, the yearly sum of two hundred and fifty thousand dollars. Without being in a position to speak for the Government of Prince Edward Island, I may state that in my opinion such an arrangement as I have above proposed would, if not altogether acceptable, go a long way towards a final settlement of the difficulties now existing between the Government of Prince Edward Island and the Dominion of Canada.

"All of which is respectively submitted.

"Your obedient servant,

"GEORGE W. HOWLAN."

HON. MR. ABBOTT—The offer I refer to was the offer made by my hon. friend himself on the 10th of March, 1886, in which the condition was that all material for construction should come in free of duty, &c., and the Government should pay or caused to be paid so much towards operating the railway.

HON. MR. HOWLAN—That is the offer I have just read. Now, with regard to the cost of building this tunnel, it is folly to compare it with the Mont Cenis or St. Gothard tunnels, which were hewed out of solid rock, entirely different works

from a metallic subway. The following is the cost of maintaining the winter and summer steam service between Prince Edward Island and the mainland :—

Steamer "Stanley," original cost		$142,000 00
Interest on cost at 4 per cent.		5,680 00
Yearly depreciation, 10 p. cent.		14,200 00
Yearly expense, 1888-89	$20,940 50	
Less earnings, freight & pas'ngr	9,140 83	
		11,798 67
Ice-boat service		$31,678 67
Expenses	$7,740 25	
Less earnings	677 68	
	$7,062 57	
Annual subsidy to P. E. Island Steam Navigation Co.	5,000 00	
		12,062 57
		$ 43,741 24
Subsidy str. Halifax to Charlottetown		3,000 00
Subsidy to Telegraph Cable Co.		2,000 00
Average yearly loss on P. E. I. Railway deficit	$80,334 30	
Average yearly loss on P. E. I. Railway-Capital Account	48,236 00	
		128,570 00
		$177,311 54

That is the exact amount that the service is costing the Government at the present time, so that my hon. friend's estimate, one-third of the $214,000.00, is incorrect.

HON. MR. ABBOTT—The actual annual expenditure on the steamer last year was $11,798.67 and the actual loss on the railway last year was $60,000, which, with other expenses, would amount to about $75,000.

HON. MR. HOWLAN—The hon. gentleman will see he has nothing there for capital account on the railway.

HON. MR. ABBOTT—But the hon. gentleman proposes that we shall give him the railway.

HON. MR. HOWLAN—If we took the railway we would have to pay the working expenses, and the profit and loss expense on the railway, if $80,000, the Government would save that.

HON. MR. ABBOTT—It is only $60,000 this year.

HON. MR. HOWLAN—Then there is the capital account, which increased this amount $140,000 for steel rails, &c. The statement of the hon. gentleman with regard to the cost of the tunnel is not, in my judgment, a fair way to put it. If this work should cost anything like $25,000,000 or $20,000,000 it ought to be abandoned—or I shall go as far as $10,000,000; but I know that it will not cost anything like that. I was present myself every day while theses urveys were being made, so that I have all the information that I can possibly obtain from the Government, and I would be no wiser with the information which the hon. gentleman has got than if we never had discussed this matter at all, without an examination such as I ask for. What I would like to see done is to submit the question to such men as Sir Benjamin Baker or Sir John Fowler, the builders of the great Forth bridge, give them the information which we have, and ask them if it will cost more than $5,000,000 to do this work. It is folly to quote the cost of the old Thames tunnel, which cost £11,000,000 sterling.

I was going to refer to a standard work, "Simms on Tunneling," in which the cost of all the great tunnels of the world is given, and I cannot find any in it where the price comes up to anything like the figures given to my hon. friend. He states that if this tunnel is made from Cape Traverse to Cape Tormentine, eight miles, it would cost twenty millions of dollars. I have a statement here, which I have taken from Simm's work, which shows that:

The Mont Cenis tunnel cost £167 12s. per yard, lined throughout with brick, and hewn out of the solid rock; the Hoosac tunnel cost £180 per yard, and is lined with masonry throughout; the Kelsby tunnel cost £125 per yard; and the Netherton tunnel, of solid masonry, on a branch of the Bermingham canal, cost £45 per yard. The cheapest tunnel that I know of is the Loch Katrine tunnel, of Glasgow, Scotland, which cost only £10 sterling per yard, whilst in comparison with these the old Thames tunnel, built by I. K. Brunel, commenced in 1825, cost £1,135 per yard.

I can assure the leader of the House, and every gentleman present, that if I had the most remote idea that the cost of this tunnel would be twenty millions of dollars I would never open my mouth again on the subject; but the engineers whose opinions I have obtained have put it at five millions of dollars, and until I

have some positive statement to the contrary from authorities whose opinions we can respect I shall continue to advocate this scheme.

HON. MR. PROWSE—When addressing the House, I took occasion to read the address sent to Her Majesty from Prince Edward Island Legislature, and the hon. gentleman from Victoria took exception to the statement of the population in British Columbia, and said that it was not true and that the population of that Province was 60,000 at the date of the Union. I was satisfied, however, in my own mind, that the hon. gentleman was mistaken, and I was more than surprised to hear the leader of the House charging me with understating the population of British Columbia in my remarks. I have since then sent for the Census of British Columbia, and I find that in 1870, the year before that Province entered the Union, the whole population, including Chinese, amounted to 10,586—that is, according to the Census of the Dominion.

HON. MR. MACDONALD—Does it mention Indians?

HON. MR. McINNES—What is the hon. gentleman reading from?

HON. MR. PROWSE—From the Dominion Census returns of 1870 for British Columbia.

HON. MR. McINNES—I can assure the hon. gentlemen that the census of British Columbia was never taken up to 1881, and speaking from memory, the white population then was given at 49,891.

HON. MR. ALMON—The hon. gentleman is out of order; this has nothing to do with the question before the House.

HON. MR. PROWSE—The declaration made by my hon. friend from New Westminster confirms my statement. I thought the hon. gentleman from Victoria was wrong when he said that the population of British Columbia in 1881 was 60,000. My hon. friend from New Westminster tells me that it was 49,000 in 1881. I think I was perfectly justified in the statement that I made, and which I read from the memorial. I find in the Census returns that the population of British Columbia in 1870 was as follows:—

White—		
Male	5,782	
Female	2,794	
		8,576
Colored Race—		
Male	297	
Female	165	
		462
Chinese—		
Male	1,495	
Female	53	
		1,548
Entire population		10,586

HON. MR. MACDONALD—The hon. gentleman has no authority for saying that the population was at any time, after the Union, only 15,000. The hon. member tried to distort the figures relating to the Province from which I come when he was distorting the case for his own Province.

HON. MR. VIDAL—I think the hon. gentleman from Prince Edward Island is right in bringing this matter before us. I sympathise with his desire to have the feasibility of this work ascertained: but he takes a wrong way to obtain what he desires. We have in Canada authorities upon that question as competent as any that can be found in Great Britain, and moreover we possess the advantage of having at Sarina a work very similar to that which the hon. gentleman wishes to have undertaken in Prince Edward Island—a circular iron tunnel. Now that tunnel is to be about a mile in length. Half of it is almost made now. The cost of it is estimated at $2,500,000. It is going to cost over that, rather than under it. I presume that may be regarded as a sort of test of the cost of constructing such a work.

HON. MR. HOWLAN—It is to be more than a mile long.

HON. MR. VIDAL—Not the covered part; I speak of the tunnel.

HON. MR. HOWLAN—It is all tunnel.

HON. MR. VIDAL—The approaches are huge ditches. The circular iron part of the tunnel is only a mile long.

HON. MR. HOWLAN—I have here a description of the International tunnel under the St. Clair River at Port Huron. It is as follows:—

"Six hundred men are now digging the railroad tunnel under the St. Clair River at Port Huron, Ont., at the rate of 15 feet each day. This means that before the year is out one of the most important pieces

of civil engineering in the country will be completed. More than 1,290 feet of the tunnel proper is now ready for trains on the Michigan side, and 900 on the Canadian."

"The tunnel itself is over 6,000 feet long, so that the entire length will be more than two miles. Of this distance 2,310 feet are under the river, 2,390 feet on the Michigan land side, and 2,100 feet on the Canadian. The grade is 1 foot in every 50, except under the river bottom, where it is substantially level. It is an iron cylinder tunnel—the only one of the kind in the country. There is neither brick nor stone used in its construction. Neither are there any stays or supports, simply a mammoth iron tube, built in sections underground. It is designed for a single track.

"The method of construction is simple. A great cylinder, weighing more than 60 tons, 20 feet in diameter and 16 feet long, is driven into the blue clay, which constitutes the entire bottom of the river, by the use of hydraulic power, with as much ease as cakes of soap can be carved out of a general mass. Inside this cylinder, which is called a shield, twenty-two men are at work removing the dirt. As fast as the shield is pushed forward, which is about 2 feet at a time, the clay thus brought inside the shield is dug out to the edge of the great cylinder. Then the hydraulic jacks are again started, and slowly but irresistibly the immense iron tube moves another 2 feet into the solid earth ahead of it."

HON. MR. ABBOTT—My hon. friend communicates to me that if the Government will do what I suggested a moment ago—that is, if they will cause an estimate to be made of the cost of this metallic subway across the Straits by competent persons, he will be satisfied. I have no hesitation in repeating what I said before, that the Government will have great pleasure, if the House desires it, in having such an estimate made and submitted to Parliament as soon as possible.

HON. MR. HOWLAN—In that case I am willing to withdraw my motion, relying on my hon. friend's assurance that he will cause the promised information to be furnished.

HON. MR. POWER—I am generally reasonable, and I am not disposed to be unreasonable now. The amendment which I moved was a reasonable one. If the enquiry that I spoke of has been already made, it will not be necessary to make it over again. If the information is to be submitted to us, that is all we need. It may be that some scheme such as that indicated by the hon. member from Shediac may be found satisfactory. I like very much to listen to the eloquence of the hon. members from Prince Edward Island, but rather than have them go to such trouble every Session I think it would be well to have a thorough enquiry made once for all to cover the whole ground. The Government have a great deal of the information, or most of it, in their possession already, and I think it would be well to let us have the whole of it.

HON. MR. ABBOTT—The hon. gentleman's motion has this defect: it assumes that the Government have not already made an investigation. Of course, it is impossible that the House can vote for a resolution like that while they believe that the Government has already made an investigation, the result of which they are prepared to furnish. If anyone wishes to ascertain a particular fact, or any number of facts which the Government have in their possession in consequence of having made this investigation, the information will be furnished, and the particular fact which my hon. friend from Alberton wishes to get is the probable cost of this tunnel. That I can furnish within a moderate time, but of course I would not be disposed to favor a motion that would imply that the Government has not done all in its power to accomplish what my hon. friend's motion asks them to do.

HON. MR. POWER—I suppose, as my hon. friend from Alberton has agreed to withdraw his motion, mine would naturally go with it, and as I have a reasonable amount of confidence that the Government will do what they promised to do, I ask leave to withdraw my amendment.

The motion and amendment were withdrawn.

BILL INTRODUCED.

Bill (AA) "An Act to amend the Canada Temperance Act." (Mr. Dickey.)

THE WALKER DIVORCE BILL.

THIRD READING.

HON. MR. SANFORD moved the third reading of Bill (N) "An Act for the relief of Emily Walker."

The Senate divided on the motion, which was agreed to by the following vote:—

CONTENTS:

Hon. Messrs.	
Abbott,	MacInnes (Burlington),
Boyd,	Merner,
Cochrane,	Odell,
Dickey,	Ogilvie,
Glasier,	Perley,
Haythorne,	Read (Quinté),

Lewin,	Reesor,
Lougheed,	Sanford,
McClelan,	Stevens,
McKay,	Sutherland,
McKindsey,	Vidal.—23.
Macdonald (Victoria),	

NON-CONTENTS:

Hon. Messrs.

Almon,	McCallum,
Bellerose,	McInnes (B. C.),
Boucherville, de,	O'Donohoe,
Casgrain,	Pâquet,
Chaffers,	Power,
DeBlois,	Robitaille,
Girard,	Ross,
Kaulbach,	Sutherland.—16.

The Bill was then read the third time, and passed.

The Senate adjourned at 10.50 p.m.

THE SENATE.

Ottawa, Friday, April 18th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported without amendment from the Committee on Railways, Telegraphs and Harbors, were read the third time, and passed:—

Bill (97) "An Act to incorporate the Montreal Bridge Company." (Mr. Pelletier.)

Bill (35) "An Act to incorporate the Calgary and Edmonton Railway Company." (Mr. Perley.)

Bill (92) "An Act respecting the Napanee, Tamworth and Quebec Railway Company, and to change the name of the Company to 'The Kingston, Napanee and Western Railway Company.'" (Mr. Read.)

Bill (40) "An Act to incorporate the National Construction Company." (Mr. Kaulbach.)

Bill (128) "An Act respecting the Columbia and Kootenay Railway and Navigation Company." (Mr. Reid.)

The following Bills, reported without amendment from the Committee on Banking and Commerce, were read the third time, and passed:—

Bill (121) "An Act to amend the Act to incorporate the Dominion Mineral Company." (Mr. MacInnes.)

Bill (37) "An Act to amend the Act to incorporate the Imperial Trusts Company of Canada." (Mr. Clemow.)

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

REPORTED FROM COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes."

(In the Committee.)

HON. MR. ABBOTT said: As the House is aware, this Bill has been gone through in Committee of the Whole, but while doing so certain clauses were allowed to stand, in order that their purport might be considered and any amendments that might be thought necessary might be made. There are six clauses altogether that were allowed to stand, and in addition to these there are one or two suggestions which I propose to make for the reconsideration of some of the other clauses, mainly as to minor points; but it has proved the advantage of having a little time to consider a Bill of this importance and complication, and I propose to ask the House to indulge me by re-considering one or two clauses, besides placing in a proper form these clauses which we have reserved. The first suggestion that I have to make is to insert at the end of the second clause of the Bill a little further definition. There seems to be a question whether the expression "defence" would comprise a counter claim by way of defence. The Minister of Justice called my attention to it, and expressed his desire that we might put in some definition. I, therefore, move that another clause be inserted in the second section, which will be clause (*k*)—"the expression 'defence' includes counter claims."

HON. MR. DICKEY—Does that mean set off?

HON. MR. ABBOTT—Yes; that is the understanding.

The amendment was adopted.

On clause 9,—

HON. MR. ABBOTT said: A discussion arose as to whether a note payable in instalments fell due if any one of those instal-

ments remained unpaid. I dare say that the hon. gentlemen who raised this point have looked at it since, and so have I, and found that it is an exceptional case. A bill is a bill of exchange, although it may contain a clause for payment by instalments, but the person who makes the note may make it payable in instalments, and provide that it shall not fall due on non-payment of an instalment, or that it may fall due for non-payment; so it is only a privilege left to the maker of the note that he can put in the condition if he chooses, that the note may become due. So I presume the clause may pass.

The clause was adopted.

HON. MR. POWER—I would suggest an amendment to clause 13, to which I understand the hon. gentleman has no objection. It is simply to add at the end of the clause the words "or other non-juridical day."

The amendment was agreed to.

On clause 19,—

HON. MR. ABBOTT said: This defines a qualified acceptance. Now we understand, in a general way, what a qualified acceptance is, but there is a special definition in this clause which makes an acceptance to pay at a particular place a qualified acceptance if it says "and not otherwise or elsewhere," but not a qualified acceptance if it omits those sacramental words. On examining the Bill we find there is no object in it—that it accomplishes no purpose: in both cases the Bill must be presented where it is made payable by the acceptance. There is no clause in the Act which imposes any additional penalty or liability on the party who accepts the bill in that form than if he accepts it in the simple form stating where he wants to pay it. Going over the Bill with the Minister of Justice and two or three legal gentlemen who have come from different parts of the Dominion to assist in perfecting this Bill, taking an interest in it, we have all satisfied ourselves that there is no possible use in this distinction. I propose to add these words: "But an acceptance to pay at a particular specified place is not conditional or qualified." That really attains all the objects that are desired to be attained by sub-section (*c*) without creating a complication which was incomprehensible to me and to a great many others who saw it, and which was found to be of no use when we came to understand it. I have had letters from various parties, including the Bank of Montreal, begging that this distinction be not recognized in the Bill, as it is unknown in Lower Canada and not much practised anywhere else.

HON. MR. KAULBACH—I think that the amendment is a very proper one, but there certainly have been some decisions in our courts in the lower Provinces that the words, "Not otherwise or elsewhere," have relieved the drawer or endorser.

HON. MR. ABBOTT—We escape that now.

The amendment was agreed to.

HON. MR. ABBOTT moved that sub-section (*c*) be struck out of the Bill.

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

HON. MR. ABBOTT—The House will remember that in the Bill as drafted there was a clause which relieved banks of responsibility if they paid a cheque payable to order, the endorsement of which was forged—that is to say, the forgery of an endorser's name on a cheque was at the risk of the maker of the cheque, and not the bank. That is not our law in Canada. It has been the law in England for some time, but it appeared so objectionable in the other House that it was struck out of the Bill there, and in this House no disposition has been shown to replace it. But there is a hardship connected with it: the bank might remain under the obligation to pay back the money represented by the forged cheque till the period elapsed within which a remedy might be had, which is six years in Ontario and five years in other parts of the Dominion. That would be a gross injustice, because the person who draws the cheque ought to know before that period of time occurs whether the cheque was properly paid or not, and they ought to let the bank know, and not leave the bank without the information so long that the people concerned might have died, or left the country, or become insolvent, and the bank entirely lose the amount. It has been suggested by the hon. gentleman from Montreal (Mr. Drummond), who, I am sorry to observe, is not here to-day,

that it would be advantageous and just that there should be some limitation to the time during which a man might call on a bank to replace money paid on cheque with a forged endorsement. We have all felt the force of that, and have come to the conclusion to propose to the House to make a limitation in clause 24. We propose to append a sub-section the effect of which is that the bank shall not be liable for paying a cheque on which there is a forged endorsement, to repay the money to the drawer of the cheque unless within a year from the time he receives notice that the cheque was paid he gives the bank notice in writing that the endorsement was forged, and we propose to put the notice either in the reception of his bank-book or of his cheques, or any other form of notice which may be adopted; but those are the two forms in which the drawer would be certain to receive notice. To leave it longer than one year I think would be a gross injustice to the bank. The bank should receive notice, so as to be able to take steps to recover the money from the parties who have improperly obtained it. There is one proviso to the clause, and we propose to add another to apply to the case of a man who ought to have received the cheque, or whose name was forged. In case a cheque should have been given to him by the drawer in payment of a debt, of course he ought not to be deprived of his remedy for the recovery of the debt in case of his not getting the cheque; but, at the same time, he cannot be considered to be free from blame for having let the cheque go out of his possession, or not having taken care of it, and he has a right, within the same period, to recover the amount of the cheque.

HON. MR. DEBOUCHERVILLE—But if he is prevented by sickness from getting it, or if he has not received notice?

HON. MR. ABBOTT—He must have received notice.

HON. MR. DEBOUCHERVILLE—But suppose he was very sick for months?

HON. MR. ABBOTT—The banks desired to have it a month; then it was proposed to have it six months, but we fixed it at twelve months, because we considered that that was long enough.

The motion was agreed to.

HON. MR. ABBOTT—Sub-section 4 of section 30 is the one in which I think it is that a patent note—a note given for a patent—shall have the consideration written upon the face of it, and the man who issues the note given for a patent on which these words do not appear is liable to a penalty. He is guilty of a misdemeanor under the term of this law. The clause as drawn only applies to a bill. There is a general clause in the latter end of the Act which says that the provisions with respect to bills shall apply to notes where the circumstances are analogous, but I had my doubts whether we could carry or try an offence punishable by fine or imprisonment for it by any such incidental legislation as that, and so had some hon. gentlemen opposite when the question came up. So I propose to add after the word "bill" in this section the word "note," and this word "note" is characterized all through it afterwards as an instrument, and therefore that will certainly apply.

HON. MR. POWER—I quite concur in what the hon. gentleman says, but it occurs to me that inasmuch as the early part of this Bill deals altogether with bills, one would not naturally look in this part of the Bill after it becomes law for any revision with respect to promissory notes.

HON. MR. ABBOTT—Yes; there is a clause which refers you, when you come to "promissory notes," to "bills" for the law with respect to promissory notes.

HON. MR. POWER—The instruments which are given for this purpose are all notes.

HON. MR. ABBOTT—One of the difficulties is this: A man who sells a patent right and gets a note for it may come back after a few days and say: "I have made such arrangements that I can give you three months more if you like to renew that bill for six months, and he gets a renewal of the bill on which he does not write the consideration. This point was raised on the argument that although the man who takes the bill and passes it is liable to a penalty when he passes it, he can sue on it, and act upon it in any way he likes up to that time. Of course, it can be answered that if he sues upon it himself the maker has a defence, but then the maker may have difficulty in proving his defence—that it was given originally for a patent

right. Therefore, my hon. friend from Ottawa suggested, and I think some other hon. gentleman spoke in the same sense, that we should make the bill void if these words are not written upon it. Certainly, if we choose to create a penalty which is to be paid by the person who procures the note we might, with equal propriety, say that he shall not recover on it. So I propose to add to sub-section 4 these words: "And without such words thereon such instrument and any renewal thereof shall be void, except in the hands of the holder in due course without notice of the consideration."

I had the pleasure of conferring with my hon. friend from Ottawa on this amendment and he concurred in it.

The amendment was agreed to.

HON. MR. ABBOTT—Section 42 is a section which was not reserved, but which was the subject of discussion. The point in that section was, whether we should require that a bill should be duly presented for acceptance on the day stated for payment or on the next following day, as enacted in this clause. With reference to that, I may say that the English Act provides that a bill must be presented within a reasonable time, leaving the time to the appreciation of the judge of the court, if it should go before a court. That was the way in which this Bill was drafted, and it came in that form before the other House, but there was such a strong opposition manifested to it there that the Minister felt disposed to make the amendment which places it in its present shape. Hon. gentlemen here the other day thought it was too short a period of time, and although I would be quite satisfied to pass the Bill in the form in which it was originally introduced, and as far as my own information goes I would prefer that to any specific limitation, yet I do not know if we extend this time a little but we shall meet all the difficulties of the case. As was suggested the other day, I proposed to the House to make it within two days of presentment, so that will give three days in all for procuring the acceptance. I will therefore move to strike out the words "on the next following day, not being a legal holiday or non-juridical day." and insert the words "within two days thereof."

HON. MR. MCKAY—Although the extra day is quite an improvement, I very much prefer the English Act, for there are occasions, and a great many of them, where the drafts are made before the invoices are received, and it is almost impossible to accept them without knowing whether the amounts are correct or not.

HON. MR. ABBOTT—There is this to be said in reference to it: Inland bills do not require to be protested except in Quebec. All that needs to be done is to send a notice that the bill has not been accepted, and the bank can do that without causing any expense, and can hold the bill as long as it chooses, to get the acceptance, and no harm is done if, within a few days, the consignment comes and the bill is accepted.

HON. MR. DICKEY—What would be the effect supposing the second day is a non-juridical day?

HON. MR. ABBOTT—The law provides that a non-juridical day does not count.

The amendment was agreed to.

HON. MR. ABBOTT—In section 51 in the law as we have it now, and until this Bill becomes law, there is no provision that a clerk or agent of a bank shall not act as a notary in protesting of a bill or note payable at the bank in which he is employed. It is perfectly obvious that it would never do to allow a bank to have its own clerks act as notaries, to regulate any difficulties which may occur. I will therefore move an amendment as clause (*a*) to come in after section 51 as, follows:—

"No clerk, teller or agent of any bank shall act as a notary in the protesting of any bill or note payable at the bank or at any of the branches of the bank n which he is employed."

The amendment was agreed to.

HON. MR. ABBOTT—In section 56 I propose to add the words "and is subject to all the provisions of this Act respecting endorsers," at the end of the clause. This is to get over a difficulty which has occurred in Lower Canada and, I suppose, elsewhere, as to the necessity for giving notice to an endorser on a note *pour aval*, the notice that we are bound to give to an ordinary endorser.

The amendment was agreed to.

HON. MR. ABBOTT—In clause 79 my attention has been called by a colleague in Montreal to a point which I think is important in this Bill. There is a clause in section 71 which deals with the conflict of laws where bills are made and fall due in different countries. There is no provision in our law which gives any force or effect to an official instrument connected with a protest with a bill or note in a foreign country, and it is quite obvious that there ought to be. Under the comity of nations perhaps our officials would take notice of a protest of a note or bill in Germany or France or other foreign countries, but we have all thought it better to clear it up by stating distinctly in the Act that an official notarial copy of protest in a foreign country, or the notice given and the notarial certificate of service, shall be *prima facie* evidence that the note has been protested and the notice given in the manner in which these instruments indicate, and I have prepared an amendment in this form:—

Page 25, line 26.—After "payable" insert: "(*f*) If a bill or note presented for acceptance and payable out of Canada is protested for non-acceptance or non-payment, a notarial copy of the protest, and of the notice of dishonor, and a notarial certificate of the service of such notice, shall be received in all courts as *prima facie* evidence of such protest, notice and service."

The amendment was agreed to.

HON. MR. ABBOTT—Clauses 78 and 79 were required to stand, because it was thought they bore some analogy to the clause respecting forged endorsements, which was struck out, and which this House disapproves of. Clause 78 can scarcely be said to present such analogy. Clause 79 does, to some extent, bear a very faint analogy; but I would call the attention of the House to this fact, that these two clauses are a part of the system whch is introduced from England, and which has never been used, and I doubt for my part if it ever will be used, of cross-cheques. We know nothing of that in Canada now. It is used to some extent in England, and the provisions with respect to these cross-cheques are copied in section 73 word for word from the English law on that subject. No one need use a cross-cheque unless he likes, and if he does we think it would be better that he should use it in conformity with the English system—that we should not make any change now. We do not know much about the practice ourselves. We have had no experience of it in this country, and we think it better to leave it as it has been in England for many years, and approved of there, and passed in recent Statutes as the law there, and if any difficulty or dispute arises in the use of this system of cross-cheques we shall have the jurisprudence of England to refer to, to give us the proper construction, and we have thought it better to ask the committee to pass the clauses as they stand.

The clauses were adopted.

HON. MR. ABBOTT—Section 86 I thought objectionable, because it imposed upon the holder of a promissory note no more stringent obligations with reference to the place of payment than the maker, and it gave the maker of the promissory note a greater measure of relief in the event of non-presentation than was permitted in other portions of the Act. The whole theory of this Bill is that bills and notes are treated on exactly the same principle, and the parties to which, who are analogous to each other, come under the same rules. The bill must be presented at the place of payment, but it does not release the acceptor if it is not presented at the place of payment. It may be presented at any time, or may not be presented at all, except to hold the endorsers; but with regard to the acceptor, he being primarily liable, the law does not render it imperative that the presentation shall be made at the place mentioned in the body of the note, but the holder takes the precaution to present it, because he is placed in this position, that if he does not present it there he runs the risk of being told there were funds there on that day to pay it, and he must pay the cost or sue, before he can collect it. Now, I propose to strike out the words "before action, in order to render the maker liable in any other case," and insert these words:

"But the maker is not discharged by the omission to present the note for payment on the day that it matures; but if any suit or action is instituted thereon against him before presentation, the costs thereof shall be in the discretion of the court, if no place of payment is specified in the body of the note."

HON. MR. KAULBACH—Is that not a large discretion allowed to the court. If the note is not presented why not make the party who sues liable for the costs?

HON. MR. ABBOTT—Because the party who made the note may not have provided

any money at the place of presentment, and that relieves the holder from the necessity of presenting there. The judge will only exercise the discretion in cases where the money is provided at the place of payment.

HON. MR. KAULBACH—Supposing it is made payable at the maker's house?

HON. MR. ABBOTT—That is the same as making it payable by himself.

HON. MR. SCOTT—I think 65 or 70 per cent. of all the notes that are made in this Province are not paid in at the place of presentment. They are made payable at a certain bank, but the note is taken, knowing that the maker does not keep an account at the bank. Supposing by any possible chance the money was placed in the bank the day of payment, and withdrawn the day afterwards, and the holder calls at the maker's office the next day and presents the note, the maker of the note is perfectly independent, because the money had been provided the previous day at the bank for payment, and if the note was not paid on that day it was the holder's fault.

HON. MR. ABBOTT—The Bill provides that the note can be presented at any time before action. The only thing the holder requires to save himself from paying the costs is to present the note before he sues. There is one clause here which none of us see the use of. It is the 96th clause: we do not know what the bearing of it would be. It is confusing, because the rules of the common law in England are not the rules that we have been in the habit of applying to cheques. I move to strike out this 96th clause.

The motion was agreed to.

HON. MR. POWER—Does the leader of the House consider at all the effect of the addition to the 93rd clause? It appears to me that the provision of the English law was preferable to having the work done by justices of the peace, inasmuch as a great many of those officials in this country are not well qualified for doing notarial work.

HON. MR. ABBOTT—We have considered that point. We think that this practice, having been prevalent in Canada for a great many years, and having been found very satisfactory, should be continued. There are a great many of these officials throughout the country, and the fact of their appointment indicates that they possess some of the necessary qualifications. We feared that it might lead to abuse if any person could be taken to protest a note and make such a protest official and authentic. We propose to leave the clause as it is, especially as there has been no complaint as to the working of the present system.

HON. MR. McCLELAN, from the committee, reported the Bill with amendments, which were concurred in.

SECOND READING.

Bill (73) "An Act to incorporate the Dominion Safe Deposit, Warehousing and Loan Company, Limited." (Mr. Scott).

RECKONING OF TIME BILL.

SECOND READING.

HON. MR. MACINNES (Burlington) moved the second reading of Bill (Y) "An Act respecting the Reckoning of Time." He said: The Bill does not propose any departure from the established practice. We have already adopted throughout the Dominion the hour meridian or standard time system, which is based on the time of the Observatory of Greenwich. The object of the Bill is simply to define by statute the existing practice. Under this system the time changes every fifteen degrees of longitude west of Greenwich, beginning with the 60th degree and ending with the 120th. Here in Ottawa we have the time of the 75th meridian, and on the Pacific coast the 120th. The convenience of this arrangement of fixing time in a country which, like ours, extends over such enormous distances east and west, is manifest. The railways first adopted the system in 1883, and it has been in general use ever since throughout the whole of North America and has never been objected to in any way. No one would now think of going back to the old system, and it is essential in the public interest that what has been so long in use and so favorably received should be defined by statute. It is necessary in the following mentioned cases—in the time of day as fixed by Acts of Parliament in regard to election and other matters; expressions respecting the time in contracts,

deeds and other legal documents; in matters of procedure in courts and in connection with criminal offences; in the opening and closing of banks, registration and other public offices. It is now in use in England, Scotland and Sweden, and for some years also in Japan. That the importance of the question is recognized by the highest authorities—in fact, by all civilized nations—may be inferred from the short historical statement given in the preamble of the Bill. Hon. gentlemen are aware of the conspicuous part taken by our countryman, Mr. Sanford Fleming, on this important question, and too much credit cannot be awarded to him for the labor and distinguished services which he has rendered. Some amendments are required to the Bill now in the hands of hon. gentlemen, and these will be ready in time before the Bill is considered in committee, if it is the pleasure of the House to refer it to a committee.

HON. MR. DICKEY—This is too important a matter, perhaps, to be discussed at length just now, but as my hon. friend has referred to one class of cases provided for in the Bill——

HON. MR. MACINNES—These were simply incidences that I referred to. The Bill is intended to provide for a vast number of others.

HON. MR. DICKEY—I was about to call the attention of my hon. friend to the fact that the last clause of the Bill provides for two modes of computing time—that is to say, in addition to the present mode it provides for another mode of computing time—that is, by numbers extending from one to twenty-four. My hon. friend will of course answer that that is optional, but at the same time the objection is there—it provides two modes of computing the time of day. That objection will extend to all instruments, notices and meetings, such as he has adverted to, in which notices of the particular hour are required to be given. Then, with regard to the first part of the Bill, which establishes the time by degrees of longitude, my hon. friend is aware that in practice at present it is treated as entirely optional, and, in point of fact, in this long distance of fifteen degrees east and west there are various times in different cities. For instance, in my own small Province there is the time established in Halifax, and in the next adjoining Province, which is perhaps within 250 miles of it, there is a different time in the city of St. John, &c., so that I am afraid that confusion will arise; and this last clause certainly increases the confusion in respect to A.M. and P.M. and the mode that is proposed here of from one to twenty-four, so that I think there is a very fruitful crop of trouble and litigation likely to arise from this compulsory Bill. It is only necessary at present to indicate these objections, so that if the Bill is referred to a committee the committee may endeavor, if they can, to wrestle with it, and make this Bill conformable if possible to the present practice without increasing the confusion. The present mode of computing time, which has existed certainly beyond the memory of the oldest inhabitant, ought not to be interfered with by adding another and altogether different mode of computation, which, of itself, I think is an absurdity, because we all know what 7 o'clock, p.m. means, but very few can understand—at all events, they have to go through an arithmetical computation, to understand what 19 o'clock means. My hon. friend, I hope, will be able to satisfy the committee, so that they will return the Bill to the House in some shape that will commend it to the House more than as it is printed.

HON. MR. ALMON—I should be very sorry if this Bill should be sent to a committee at all. I think it should be thrown out now. I perfectly agree with everything that the hon. gentleman said in praise of Mr. Fleming; he has given a great deal of attention to this question, so much that he has allowed his enthusiasm to get the better of his judgment, and too much learning has had the same effect on him as it had on St. Paul. This idea is a pet of his. Let us look at the Bill: It says that in Prince Edward Island and Nova Scotia the notation shall be four hours behind the notation at Greenwich, and in New Brunswick five hours. You are well aware that there is a proposition to unite the Maritime Provinces, but the tendency of this Bill will be to create a division between them. We have had a good many petitions presented this session from Bishops and clergymen throughout the Dominion praying for legislation to punish people who do not observe the

Sabbath day. If such legislation should be granted, what would be its effect if this Bill should become law? It will be Sunday in Nova Scotia when it is Saturday in New Brunswick, and as there is only an imaginary line between the two, a man may be quite within his right in attending a dance in one Province when at the same hour he would be punished for it in the adjoining Province. Then a great deal of our literature will be destroyed: we have heard that at the hour of one at night the graves open and give forth their dead to air themselves. If a fellow gets out of his grave at that hour at night and finds that instead of the clock striking the solemn hour of one it comes down to twenty-four, how would he ever have the courage to get up to walk? You have all heard the story of the man in Ireland who was travelling along a road and was asked by a tramp what hour it was. He thought the object of the tramp was to get him to take out his watch so that he might snatch it, so he just struck the tramp a blow and said: "It has just struck one." The tramp remarked: "Begor, I'm glad I didn't ask you an hour ago," but if instead of striking once he had struck twenty-four what would have become of the tramp? There is not the slightest use of this Bill. I will ask the hon. member from Burlington if when he asks a conductor on a train what o'clock it is, and receives the reply that it is twenty-four o'clock, he does not laugh in his countenance, and does he not think that he is making a dashed fool of himself? I am an old man, and as it has been said, you cannot teach an old dog new tricks, I would prefer, when the conductor on the train is asked what time it is that he should take out his watch and state the time in the old way. If, as the hon. gentleman says, this new system is the rule in the United States, then I think it is a good reason why it should not be the rule here. I shall move that this Bill be not now read the second time, but that it be read the second time this day three months.

HON. MR. KAULBACH—I agree with the hon. gentleman from Halifax. The mover of the Bill should have shown us some reason for this legislation, some advantage to be derived from it. He has failed to do so, to my comprehension, at all. It is impossible to decide the notation of time in the different Provinces by their geographical position. Quebec runs far to the east of Nova Scotia, yet you fix the time of Quebec, by this Bill, two hours later than the time of the Province of Nova Scotia. It seems to me that the Bill almost destroys the solar system. I cannot tell what time to say prayers or what time to dance under this Bill. It certainly is not consistent with the geographical position of the Provinces.

HON. MR. MCINNES (B. C.)—I think that the House is much indebted to the hon. gentleman who has brought this Bill before us. Not only is it in the right direction, but after it becomes law—and it will become law before long, notwithstanding the opposition that is made to it—people in a very short time will wonder why they did not adopt it sooner. It is within the recollection of most of us when our money was counted in pounds, shillings and pence, and we thought that when the decimal system was adopted it was an awkward way of counting money, but I ask who in this country would go back again to the old system of reckoning money? We must keep pace with the age. The period of stage coaches has gone by, and this computation of time by the twenty-four hours system is the correct one. It has been in force for the last two or three years west of Lake Superior. Any of you who have been over the Canadian Pacific Railway know that on arriving at Port Arthur you have to put your watch back one hour. When you reach Brandon you put it back another hour; then, at Donald you put it back another hour. All that distance between Port Arthur and Brandon there is but one local time—uniform time everywhere between the two points. Not only is the new system in force on the railway line, but in all the towns from Port Arthur to the Pacific coast it has been adopted, and I am quite sure that you could not induce the people of the North-West or British Columbia to return to the old system of a.m. and p.m. It is also an improvement, inasmuch as it has already proven to be a great means of preventing accidents on our railways, and I cannot see that the objections raised by the hon. members from Amherst, Lunenburg and Halifax hold good. If the standard time is adopted in Nova Scotia it will be uniform over fifteen degrees, so that I cannot see that there will be any

confusion whatever. In fact, it will simplify matters throughout the Province. There is another reason why this House should gladly adopt the Bill in its present form, or some amended form. It will be a recognition of the services of a gentleman who has brought Canada prominently before the civilized nations of the earth. In this one matter Mr. Sanford Fleming has brought great credit to his country and to himself individually. I hope that the House will not only give the Bill a second reading and refer it to a committee, but that they will make it the law of the land. It can do no harm to anyone, and I am sure that it will accomplish a great deal of good, and I venture to say that if it is in force one year every one who hears me will be as familiar with the twenty-four hours system as he is now with the present mode of reckoning time. I heartily endorse the Bill, and I hope it will become law.

HON. MR. DICKEY—I would like to say a word in behalf of my own Province. My hon. friend has made the remark that it is singular to find three gentlemen from Nova Scotia objecting to this Bill, but I beg to remind him that we get up a little earlier in the morning in our Province than we do on the Pacific coast.

HON. MR. MCINNES(B.C.)—But we stay up two or three hours longer in the evening.

HON. MR. DICKEY—I hope I have not been understood as wishing to cast ridicule on this Bill, because it comes from a source which to me is entitled to every respect. I do not desire to be discourteous to the hon. member who has taken the trouble to bring this important matter before us, and I hope that my hon. colleague from Halifax will not be disposed to summarily deal with this matter, but let it have a more patient hearing than we have at present the opportunity of giving it. But while I am on my feet, peraps the House will let me speak of it in connection with another country where the system provided for by the first clause of this Bill prevails. When it was first introduced into the adjoining Republic, I recollect well that at that time it startled a good many people, amongst others, some people in Bangor, which happens to be some degrees east of the parallel of 75 in which it would probably come under this Bill, and on that occasion one of the Americans there was very much horrified at the idea of the sudden change being made so that he would have to set his watch a little back, because he lived in parallel very much east of the parallel he was in future to be guided by, and he at last culminated in this objection. He said, "I object to this because there haint no Joshua in these parts." I hope my hon. friend will allow this Bill to be more maturely considered at a future day, and then, if it goes to a committee, the committee will have the guidance of any observations that are made here. My object in calling attention to it was not to interfere with the progress of the measure, but to call the attention of the members of the committee to whom it may be referred to the particular points of objection, so that they may more materially consider them. I have no objection whatever that it should take this regular course. At the same time I sympathize entirely with the objections which have been made to the Bill.

HON. MR. SCOTT—Whether the Bill passes or not, it must be evident to everybody who has noted the progress that this proposal has made that it is a mere question of time (I do not intend a pun) when it will be acquiesced in by the whole country. I think I am safe in saying that in all that part of Canada which lies to the west of Montreal it is practically in force now. I know that it is in force in western towns. And I think it is in force in the border towns to the south of us; and in Ontario, as far as my judgment goes, in all the principal towns—there may be some smaller places through the country where it is not observed—but in the principal towns standard time is adopted.

HON. MR. MCINNES (B. C.)—From Montreal to the Pacific coast.

HON. MR. SCOTT—When it was introduced it became necessary that every man's clock should be in accord with it, as it was railway time. There was great reluctance to adopt it at first, but finally it came into general use. That is the standard time. All our watches and clocks are now regulated by standard time. Of course the Bill is in a crude state, and I can understand that the criticisms of my hon. friends from the east are well grounded. One recognizes that the Province of Quebec does extend as far east as New

Brunswick and Nova Scotia, where time is regulated by one hour in those Provinces and by another hour in the Province of Quebec.

HON. MR. MACINNES (Burlington)—In introducing the Bill, I mentioned that it was to be amended.

HON. MR. SCOTT—I am very sorry that the hon. gentleman has moved in it until it was perfected. No doubt the introduction of so novel a principle shocks most minds, and one can quite recognize that they would be more shocked with the Bill in the shape it now is, because a particular hour is made to cover New Brunswick, Quebec and Ontario. It cannot be possible; that area extends over at least two hours, because the Province of Ontario runs considerably over in its own length the 15 degrees. Between Montreal and Port Arthur there is a change in the hour, and then there are some three or four hundred miles before you reach Manitoba, so that the Bill in its present shape would never do. You must conform to the 15 degrees.

HON. MR. MACINNES (Burlington)—That is the intention.

HON. MR. SCOTT—Where you find that there is a river that will form a boundary it is a much easier one to adopt than an arbitrary line running through the woods. I presume it is intended to be a permissive Bill—that while it makes standard time legal it does not take from any one the right to use the solar time that used to guide our fathers.

HON. MR. VIDAL—I think there is much more importance to be attached to the discussion of this Bill than has come out yet, when we remember the number of persons that will be affected by it. While I entirely and cordially approve of this system of notation of time on railways, and I think to Mr. Sanford Fleming is due an immense amount of credit for obtaining its introduction into this country, I do not think that any of the reasons which apply to its adaptation to railways apply to its use in the community generally. It so happens that where I come from, midway between two meridians, I know the difficulties that occur from the attempt to introduce standard time. The experiment has been tried at the city of Detroit, a large and influential city, where there is a great deal of trade, and where a great many railways centre, and they have been obliged to go back to the system of adopting the time of the place for city time.

HON. MR. SCOTT—I do not think they ever adopted standard time there at all.

HON. MR. VIDAL—The railway companies adopted it, and in the town of Huron opposite they tried it also, and found it so inconvenient that they have gone back to solar time. One can easily see how inconvenient it is on a cold winter morning, when a man must turn out half an hour earlier; but that is not so bad as making it noon at 11:30 in the morning. That interferes with the domestic arrangements of every family, and applies to the whole community. I undertake to say that not 1 per cent. of the population is interested in having standard time adopted. Ninety-nine people out of one hundred would be far better accommodated and served by retaining the true time of the place than by standard time, and when we come to think of the number of people that would be incommoded by the change there is no reason why it should be made. If we put this statute on our books, Ontario must immediately go to work and change her statutes, and every registry office must change—every thing must be changed in order to conform to this new system. It would produce a great deal of inconvenience, and I cannot myself see a single advantage to be gained by it, except by persons travelling, and very soon everybody learns the difference between the city time and the railway time.

HON. MR. MACINNES (Burlington)—The consequence is, they would soon adopt the railway time entirely.

HON. MR. VIDAL—Whenever it is found to be a practical inconvenience it will be adopted. There is no necessity for forcing the thing on the people until a desire is shown for it. The hon. gentleman from Ottawa seems to think it is a permissive Bill.

HON. MR. SCOTT—It is only on the condition that it is permissive that it could be adopted.

HON. MR. VIDAL—The first clause of the Bill reads: "In so far as Parliament has power to define and control the same, the reckoning of time throughout Canada *shall be* regulated in accordance with the hour meridian system, commonly called standard time." The words "shall be regulated" seem to me to be anything but permissive. They are obligatory. The inconvenience of this system can be seen at once in banking matters. A man goes to pay his bill five minutes to three o'clock by the time of the place, and he finds the bank closed.

HON. MR. SCOTT—Nine-tenths of the banks of this country have adopted standard time; the courts have adopted it. Our courts here will be opened on Tuesday next by standard time, and our registry offices are governed by it. At Toronto they are governed by it, and as a matter of fact all banks and courts are governed by it in this Province.

HON. MR. McKINDSEY—In our little town they have adopted it for years.

HON. MR. VIDAL—I have briefly mentioned what I think are the essential things to be considered, and before the House incommodes 99 people to suit the 100th hon. gentlemen had better consider it.

HON. MR. KAULBACH—I think the Bill is——

HON. MR. MACINNES (Burlington)—The hon. gentleman has spoken.

HON. MR. KAULBACH—And the hon. gentlemen has read what little he has said in this House. I have spoken, of course, and if the hon. gentleman relies upon his point of order I shall sit down; but I shall take good care when he gets up to read his speech on a matter like this again, or on any other matter, he shall be called to order also.

HON. MR. MACINNES (Burlington)—I have not the slightest objection to the hon. gentleman taking that course, for I know how well he can express himself when he addresses the House.

HON. MR. POWER—If I thought that this Bill had the same effect as the hon. gentleman from Amherst says it has, I should certainly be very strongly opposed to its second reading. The hon. gentleman thinks that clause 4 of this Bill makes it necessary that both systems should be used.

HON. MR. DICKEY—No; it says: may be used.

HON. MR. POWER—I think one of the great objections is the substitution of the 24-hour system for the 12-hour system. To gentlemen who have learned their arithmetic very thoroughly in early life the 24-hour system may be satisfactory, but to ordinary men, the great majority of the population, that system will be confusing for a long time. When we think of the vast number of people who are not in the habit of making mental calculations it will be seen that it is a great deal better to divide the 24 hours into two series. Another objection to this measure which occurs to me, and which has not been referred to by any hon. gentleman who has spoken, is one which applies more particularly to the Maritime Provinces. As I understand it, nautical almanacs, and almanacs generally which deal with the ebb and flow of the tides, are calculated on solar time by the longitude of the place for which the almanac is constructed, and I think that the introduction of this system will simply create confusion in the navigation round the shores of the lower Provinces. It is perfectly true with regard to railways, and particularly since the extension of the railway system to the Pacific coast, that it is more convenient for the railways to use standard time. As to the remainder of the population, the advantage is with the old system—solar time—and I do not see that there is any necessity for the Bill. As it is now, the railways use standard time, and I do not think that this House is satisfied that the use of this system should be rendered compulsory on the other portions of the population. A great change of this sort is not generally effected in a single Session, and having given his notice and brought his Bill before Parliament it will be discussed and considered by the public and the press, and the hon. gentleman should be satisfied, as the House will be then in a better position to deal with it. If it meets with general approval next Session we should pass it; but I do not think we should be called upon now to pass so important a measure without an opportunity of discussing it here and having it considered outside.

HON. MR. MACINNES (Burlington)—I differ entirely from the hon. gentleman from Sarnia in the view he has taken of this Bill. He thinks it will be a great inconvenience to the majority of the people. I am afraid that the object of the Bill is not fully appreciated or understood in the House, but as regards the objections to the difference of time in the different Provinces, the intention is to make them uniform. In Quebec, Ontario, and as far as the Pacific Ocean, we have standard time in use. It is the time that is in use by railways, by banks and by the public generally. It is my opinion that this Bill will confer most important advantages on the public. In former times, when we had the old system, there was different time in Montreal, Ottawa and Toronto. I have myself frequently lost my train in consequence of the difference in time, but since we have adopted the standard system all that is done away with, and there is no necessity for missing your train because of the difference in time between stations. I feel that I am not able to do justice to the subject, but I am fully satisfied that the advantages to the public will be enormous if this Bill is adopted. I am going to ask the House to refer the Bill to the Committee of Railways, Telegraphs and Harbors, in order that it may be thoroughly threshed out there.

HON. MR. ALMON—It will be threshed out of the committee.

HON. MR. MACINNES—The object I have in view is that the Bill shall be so threshed out in committee that it will be thoroughly understood, and when the Bill is read the second time I shall move to refer it to the Committee on Railways, Telegraphs and Harbors.

HON. MR. ALMON—I do not think it fair to take a division on such a Bill in this House.

HON. MR. MACINNES—I am prepared to go on with it.

The House divided on the motion, which was carried on the following division:—

CONTENTS:

Hon. Messrs.

Boyd,	Macdonald (B.C.),
Casgrain,	MacInnes (Burlington),
Clemow,	Merner,
Cochrane,	Montgomery,
DeBlois,	Perley,
Dever,	Prowse,
Howlan,	Reid (Cariboo),
Lougheed,	Robitaille,
Masson,	Sanford,
McCallum,	Smith,
McInnes (B.C.),	Sutherland,
McKay,	Vidal.—25.
McKindsey,	

NON-CONTENTS:

Hon. Messrs.

Almon,	Haythorne,
Archibald,	Kaulbach,
Baillargeon,	Lewin,
Bolduc,	Odell,
Boucherville, de,	Power,
Dickey,	Read (Quinté),
Girard,	Stevens.—14.

HON. MR. MACINNES moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbors.

HON MR. DICKEY—I object to that. This is a public Bill. It is not a private Bill in any sense, and if it were a private Bill it is not cognate in any degree to railways, telegraphs or harbors.

THE SPEAKER—There is no objection to referring it to the committee. It is the practice in England constantly to refer public Bills to some of the standing committees.

HON. MR. MACINNES—I consulted the leader of the House on that point, and he said that the Committee on Railways, Telegraphs and Harbors was the best committee to refer it to.

The motion was agreed to.

The Senate adjourned at 5:10 p.m.

THE SENATE.

Ottawa, Monday, April 21st, 1890.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THE TAX ON CHINESE.

INQUIRY.

HON. MR. ALMON rose to inquire

"Whether there is any truth in the statement contained in the Ottawa *Citizen*, of the 18th April, instant, that at Niagara Falls, on the 7th instant, three Chinamen were hustled over to the Canadian side by the United States Customs officers, and that one of them not having the Canadian Customs certi-

ficate, and not having sufficient money to pay for one, was sent back to the American side of the bridge, and the gate closed on him, and he had to remain on the bridge?"

He said: The subject of this inquiry is one which has attracted the attention of every member of this House, and not only of this House, but of the country generally. It is stated in the press, and the fact has been confirmed, that three Chinamen were driven out of the United States by the authorities there, and sent across the Suspension Bridge to Canada. Two of them were allowed to come over because they had already paid the price charged for importing Chinese into the Dominion. The other was a Chinaman who differed from the others in the fact that he was a poor man, that he had not any money, and, therefore, the distinction was made in that case that we admit Chinese into this country when they have money, and that we do not admit them when they are poor. He was driven back from the Canadian side and attempted to return to the United States, but found the way at that side barred. We had shut the door on our side, the door was shut on the other side, and he was left standing on the bridge. Within sight of where he stood he could see the spires of churches belonging to people who call themselves Christians. We think we are two of the first Christian countries in the world—the United States and Canada. We erect churches in which we proclaim the Gospel of peace on earth and good will towards men, and we showed our good will towards this poor Chinaman by refusing to admit him into the country and by leaving him on the bridge because he could not pay the price of his admission into the Dominion. What had this Chinaman done? Had he looted furs from Half-breeds and prevaricated? Not that I heard of. Had he got grants of timber lands, and had he, in order to increase the sum that he could get from the persons with whom he was dealing, stated that he had used undue influence with the Ministers of the Crown? I never heard that he had done that. Was he like that man who was once a professor in Oxford, and who decried the country in which he was born and plotted to rob the Crown of one of its brightest jewels? Had he endeavored to excite rebellion in the country of his adoption, knowing that the descendants of 70,000 loyalists in the Dominion of Canada are determined that ere the Queen's Crown go down there are crowns to be broke? I never heard that he was guilty of that. Was he a drunkard? No, the Chinese are not drunkards. I am not going to say that this Chinaman was a perfect man. In all probability, after suffering contumely from the Christian inhabitants of the place in which he lived—after having his pig-tail pulled and dirt thrown at him, he had gone to a Joss house and spent a few cents for opium by means of which he could get into a dreamy reverie in which he could fancy that he was back in the flowery land of his childhood, where a religion exists which next to Christianity cultivates morality. I have no doubt he thought of the days when he parted with the almond eyed woman, with her small feet, that he intended to marry when he had made a competance in a foreign land. He came here to work but what did he find? He found that though the woman should bring a certificate from a missionary and from the British Minister from the place where she had lived as to her character she would not be admitted into the Dominion of Canada unless she paid a sum of $50. Some time ago I read, as no doubt you all have read, that three Chinamen were sent through this country in a car under padlock and surveillance as if they were wild beasts. This did not happen a century ago; it happened in the last decade of the nineteenth century. I wonder what will be said in the twentieth century when people read of the fact that a man was left on the Suspension Bridge because he had not $50 to pay the price of his admission into Canada? What will they say when they read that three Chinamen travelling through Canada, were not allowed, as ordinary citizens are, to look around them as they passed through the land but were fastened under lock and key in a box car? I am sure it will be said that it was disgraceful. If a similar thing occurred to a British or an American subject in some Chinese port, a British man of war or an American war vessel (if they have any, at all events they are building some now) would be sent to knock down the houses over the heads of those who would treat a Christian in such a way. Is it right that such a thing should happen in this country? What will be said of it in civilized countries throughout the world? People will scarcely believe it or if they do, they will point the finger of scorn at

Canada. I have no doubt that in autocratic Russia, where the lash is applied to the bare backs of women, the instrument of Russian cruelty will pause and delay his stroke while he reads a full account of the barbarity practised here on a poor Chinaman. I shall be very happy if the leader of the House can tell us that this disgraceful thing did not take place, but I am afraid that he cannot. What I would ask him to do is this; you belong to a Government that has determined that the United States shall not make our fiscal laws? You have determined not to put a tax on British manufactures, while you admit American goods free. What did we place a tax on the Chinese for, was it not in order to please the very worst part of the American nation? I hope if the leader of the House cannot tell me that this incident has not happened that he will be able to say that the Government has reconsidered that matter and determined in altering the tariff, to take the tax off the Chinese. I am more proud than ever of being a Nova Scotian, I am sure that that Bill to impose a tax on the Chinese, would never have passed in the Province from which I come. Nova Scotia has the proud boast that it was the first place in the British Dominion, except the Province of Quebec, where Catholics were allowed to sit in a Legislature. It was not the Imperial Legislature, but the Local Legislature that did that. Take the case of slavery; long before it was abolished elsewhere, it was done away with in Nova Scotia, not by legislative action, but by public opinion. When actions were brought to recover slaves, the judges refused to charge and the juries to find for the slave owner, and thus slavery was done away with. I say to the Government, take away the disgrace you have inflicted on Nova Scotia by this anti-Chinese legislation. I am personally free from the guilt of having assisted in putting such legislation on the Statute-book. The Bill passed this House by a very small majority and if the question of its repeal were to come before us now, I am sure that nine tenths of the members of the Senate would vote to remove the obnoxious law from our Statute books. You think you are pleasing the inhabitants of British Columbia by maintaining this tax. You are not. You are pleasing only a portion of them; very many people on the Pacific coast are opposed to this Chinese tax. Three years ago, when I was in Victoria, a gentleman called on me to thank me for the stand I had taken with regard to that odious tax, which he said was a greater disgrace to Victoria than to any other part of Canada, and he further said that every member from British Columbia who keeps servants employs Chinese. I must apologize to the House for the time I have occupied in dealing with this question, though possibly no apology is called for where such a grevious injustice is under discussion. I have stated the case for the Chinese with what little ability I possess. I know that others, with better brains and a better command of language, could say it in more eloquent terms than I have used, but none with a better heart.

HON. MR. ABBOTT—I do not feel disposed to go into a discussion of the Chinese question in the abstract on this notice of my hon. friend opposite. I hardly think that the House, or the public, are prepared for considering and dealing with this Chinese law. My hon. friend knows as well as any other man, and better than most, I dare say, that our Government is largely a government of compromise, and he knows that there are hundreds of thousands of people in the Dominion who would speak just as strongly in the opposite sense to the sense in which he has just addressed the House with regard to this Chinese tax. If I, myself, were capable of dealing with this matter, probably I should not be very far in my opinions from those of my hon. friend, but there are more considerations than the opinions of individuals to be thought of and dealt with in dealing with a Bill of this kind. My hon. friend knows very well that a large section of the population entertain the very strongest antipathy to the free immigration of the Chinese. It is not that these men are guilty of any crime: it is the conflict between them and the ordinary laborers of the country. They can and do live for a great deal less money than the working people of this country can exist upon, and they constitute a ruinous competition wherever they congregate in any numbers to our own laboring population. That is the reason why I say there are hundreds of thousands of people in the country who will speak just as strongly in favor of this Chinese

law as the hon. gentleman has spoken against it. But, I repeat, I do not feel inclined to take up the discussion of the merits of this law in the abstract on my hon. friend's motion. I think I am justified in contenting myself with answering the question which is put to the Government on the subject.

It is a fact that three Chinamen were turned out of the United States, where this law which my hon. friend so strongly condemns prevails amongst sixty millions of people. They were turned out of the United States upon the Niagara bridge. When they arrived at the Canadian end of the bridge it was found that two of them had Canadian certificates, and they were, of course, received at once; but the third man had neither the certificate, nor the means of paying the duty which our law renders necessary before a Chinaman can enter the country. The Custom House Officer therefore very properly turned him back. On reaching the other end of the bridge he was again turned back and *planté là;* and the consequence was there was no saying what would have happened to him, had not our official strained a point in his favor and allowed him to come over into Canada. What has been done since I do not know. We have caused enquiry to be made and hope to hear shortly how it was he was allowed to enter. At all events he was not put to great inconvenience, he only suffered such detention on the bridge as to let him understand that he was in the same position with regard to entering this country as he was with regard to entering the country to the south of us: namely, that he must be either possessed of proper papers to show that he had complied with the law, or pay the duty which the law imposed upon him. I think I should be as pleased as my hon. friend to see this law repealed, and to see this country open its arms to all law abiding people to settle amongst us. We have plenty of space, and our greatest want is population; at the same time, because I think so, and because my hon. friend thinks so, and many other gentlemen who are not affected by the competition of Chinese labor think so, it is not altogether sufficient ground for taking up the matter summarily and disposing of it, if we could dispose of it, which I doubt, contrary to the feelings of the working people of Canada.

HON. MR. SCOTT—I was not in when the question was put to the leader of the House, and therefore had not the opportunity of hearing what was said by the hon. gentleman from Halifax; but I would like to have had an assurance from my hon. friend opposite that this unfortunate Chinaman was not to be kept in bond. The latest despatch that I saw from Niagara was to the effect that he was still in bond in the Custom House. Anything more inhuman, more unjust, or more derogatory to the dignity if two great countries—of two nations who profess to be on the plane of advanced civilization in the world, we have no previous example of. I think when it was discovered that this unfortunate man was in such a position, the Government, under the circumstances, ought to nave remitted the fine. It was a peculiar case, a distressing case. I understand that the unfortunate man was kept on the bridge two days and at least one night, and that the only food he had was what was supplied to him through the generosity of the people, but it took some days before he was permitted to come to our side, and then only as an article in bond. He may be, for all I know, in the bonded warehouse—it would be quite in harmony with orders that have gone forth from the Customs Department. I say, anything more degrading to humanity or discreditable to civilization has never before occurred in this country. If an Englishman or a Canadian is travelling in China and the smallest affront is given to him it is reported at once to the Foreign Office, and it is made the subject of official correspondence, and the Chinese are threatened, as they have been threatened before, with shot and shell. I think it is a most disgraceful, piece of legislation to begin with, to have allowed it on our Statute-book at all, and I do not think it is a law that ought to be rigidly enforced. It is one of those laws where the feelings of humanity should be allowed to prevail over the hard and fast rules of the Statute.

HON. MR. ABBOTT—My hon. friend's indignation seems to me to be a little misplaced. The Government have no information that this Chinaman was kept on the bridge several days, or that he was starved on the bridge, or that he is in bond in the Customs warehouse. We believe that the man was detained on the bridge

for a few hours and when he found that he could not get over to the United States again he came back and, after a little parley, was allowed to come on shore. Whether he is in bond or not, I shall be able to inform the House as soon as we get the information ourselves, but I can assure my hon. friend that what was done with regard to this Chinaman was done in accordance with the law which this House assented to; and I do not see that the Government should be reproached for carrying out a law which the two Houses have passed, and which is the law of the land. I could understand a censure upon them for violating the law, or acting in excess of the law; but to carry out the law is the duty of the Government, and in this instance they have done their duty and nothing more. However, I shall be able to give the hon. gentlemen the information he asked for to-morrow.

BRITISH COLUMBIA PENITENTIARY.

A QUESTION PRIVILEGE.

HON. MR. BELLEROSE—Before the orders of the day are called I rise to a question of privilege. I frequently hear in this House members complaining that the course pursued by the Government is not such as to command that influence throughout Canada which this body ought to possess. I have also heard many expressions outside condemnatory of the Senate, and which certainly did not tend to inspire confidence in this branch of Parliament. But if there is one thing that more than another will have a tendency to lower the influence of the Senate, it is the fact which I am about to place before the House. My idea of the duties and privileges of a member of the Senate or the House of Commons is that we are here to critisize the administration of the affairs of the country, and the management of the affairs of the several departments of the Government through the Ministers and their officials. If servants of the Government are to be permitted to abuse any hon. member who rises in his place in performance of his duty, and assail him through the public documents, there is no use for Parliament, because the influence of Parliament will have ended. I refer hon. gentlemen to a passage in the Blue-book issued this year from the Department of Justice. The passage I refer to is in the report of Inspector Moylan on the Penitentiary of New Westminster, Page 25, as follows:

"A fly sheet, printed in Washington Territory, containing the vilest slanders and most barefaced falsehoods against the administration of this penitentiary, and some of its most deserving officers, was put in circulation, in Victoria, about twelve months ago. The production was the work of two of the most depraved and hardened criminals that have ever cursed, with their presence, any penitentiary in the Dominion. It was one of them, who, coming across from Seattle, distributed, in a few hours, the untruthful and libellous publication and made his escape to American territory before his arrest could be effected. Certain individuals, who were either very credulous or very unfriendly disposed towards the administration of the penitentiary, made grave charges, alleging that serious abuses and irregularities existed. These charges were of the vaguest nature, nothing definite being mentioned, and they were advanced in a manner which every one, who appreciates fair play and manliness, must stigmatize as dastardly. He is a veritable coward that makes accusations against men, who, by reason of their position, are helpless to defend themselves, and who has not the moral courage or the proper sense of justice to formulate his charges, in view of affording an opportunity to the victims of his malevolence to have the truth or falsity of the allegations duly tested. This is a general proposition without any particular application."

"In connection with the remarks made by Senator McInnes on the 24th April last, in the Senate, I addressed, with the approval of the Minister, the following letter to that person:—

"NEW WESTMINSTER, Sept. 5, 1889.

"*Hon. Senator McInnes,*
"New Westminster,

"SIR,—In view of the statement made by you, in the Senate, last Session of Parliament, to the effect that abuses and irregularities exist in this penitentiary, I have the honor to state that, during my present visit to the institution, I shall be glad to make any inquiries that may be called for by the facts which have come to your knowledge and to which you made reference in the Senate.

"If you will, therefore, be good enough either to furnish the evidence yourself, or to give me the names of any persons who may be able to prove the existence of abuses, or irregularities, a careful investigation will be made and I shall be glad if you can be present.

I have the honor, &c.,
(Signed) J. G. MOYLAN.

All these libelous expressions, all these vile words are addressed by Inspector Moylan to one of the members of this House. I will give you the words which connect that attack with a member of this House. On page 580 of last year's Senate Debates you will find that the hon. Senator McInnes used the following words.

"We have a penitentiary within a mile of where I live, in New Westminster. It is believed that there are a great many irregularities in connection with the management of that institution. I am not going to make any charges now, but I believe the rumors are well founded, and when the proper time comes I fear it will be my bounden duty to ask that an investigation be made, and that it be placed entirely beyond the control or influence of the Inspector of Penitentiaries and the Government, and that some judge of

the Supreme Court, or other thoroughly disinterested and qualified person, shall take the evidence and investigate all complaints, and thereby do justice to the people of the penitentiary, and if they are not guilty of what they are charged with they will be exonerated; if guilty, they should be punished, and the public will be satisfied. Anything short of that, in my opinion, will not give satisfaction."

These are the words. There are no charges there; only giving notice to the Government that there are irregularities according to rumor, and that the Government ought to see to it. That is no charge. That, Honorable gentlemen, has been met with in the way I have just described. These expressions of the inspector are, to say the least, impolite and the language is such that, although it is directed against the member from New Westminster personally, it is an insult to the Senate, as a body. These words cowardly and dastardly are not words that should find a place in this departmental Report. This is a serious offence in comparison with that of the same gentleman three years ago when I was the victim, and under what circumstances? They were inoffensive as compared to this. This is a public report which, by law, the Minister of Justice is bound to submit to Parliament to be sent broadcast over the Country, while in my case it was no report, it was no book. It had no signature. It was intituled a supplementary report. That was a lie. It was a return to six addresses of mine, asking for papers respecting the St. Vincent de Paul Penitentiary, and these returns were not made in the usual form, but copies of them were placed in a Blue Book, without any responsible signature to them either of the Inspector or Minister of Justice, and put before the House. So that the offence, even if it had been in the same words, would have been trifling compared with this one which appears in a public document that is to go to the country on the responsibility of the Minister of Justice and of Parliament. If the public are to understand that members of Parliament have no right to criticise the Government officials, or to see that the administration of public departments is to be properly carried on, what is the use of a Parliament, and where is the necessity for the great expenditure made by Parliament? If the Senate is of any use, then the Government of the day ought to be jealous of the privileges of this House, and of the protection and honor of both Houses, and I have no doubt in this instance the Government will do their duty. It may be said that in the first part of the report the member from New Westminster is not named, but the next sentence is: "I have written to that person." What person? That coward? It makes a direct attack on some person, and that person is the member from New Westminster, and it is also an attack on this House. To prove that the attack was on the hon. gentleman, the moment that report was circulated the Toronto *Mail* published the following comment on it:

SHARP EXTRACT FROM MR. MOYLAN'S PENITENTIARY REPORT.

He refutes charges of mismanagement in the British Columbia penitentiary. Strained relations between the Inspector and Senator McInnes—The vacant Ottawa seat—Pressure from the lumbermen—Coming Equal Rights meeting.

"*From our Own Correspondent.*

"OTTAWA, April 6th.—Every one is familar with the severe frigidity which existed so long, and which probably still exists, between Senator Bellerose and Mr. J. G. Moylan, Inspector of penitentiaries. This arose over the administration of the affairs of St. Vincent de Paul. Now the able inspector is evidently foul of another member of the House of Lords. Last session, Senator McInnes, of New Westminster, B.C., stated that there were a great many irregularities in connection with the management of the British Columbia penitentiary. In regard to this, Inspector Moylan in his annual report says:—

"A fly sheet printed in Washington Territory, containing the vilest slanders and most bare-faced falsehoods against the administration of this penitentiary and some of its most deserving officers, was put in circulation in Victoria about twelve Months ago. The production was the work of two of the most depraved and hardened criminals that have ever cursed with their presence any penitentiary in the Dominion. It was one of them who, coming across from Seattle, distributed in a few hours the untruthful and libellous publication, and made his escape to American territory before his arrest could be effected. Certain individuals, who were either very credulous or very unfriendly disposed towards the administration of the penitentiary, made grave charges, alleging that serious abuses and irregularites existed. These charges were of the vaguest nature, nothing definite being mentioned, and they were advanced in a manner which everyone who appreciates fair play and manliness must stigmatize as dastardly. He is a veritable coward that makes accusations against men who, by reason of their position, are helpless to defend themselves, and who has not the moral courage or the proper sense of justice to formulate his charges, in view of affording an opportunity to the victims of his malevolence to have the truth or the falsity of the allegations duly tested. This is a general proposition without any particular application.

"This is a pretty plain notice to Senator McInnes that if the cap fits he can put it on. The inspector, after noticing the Senator's remarks, says 'I addressed a letter to that person.' It will be remembered that Senator McInnes has a notice on the order paper asking why a certain guard in the penitentiary had been dismissed. This has probably some connection with the strained relations that evidently exist between the Senator and the inspector. Although nobody came forward with any charges, Inspector Moylan

held an investigation, all the officers of the prison being examined. There was not the faintest ground disclosed in this examination for charges of irregularities in the management of the prison. 'That person' will now have to be heard from."

"This is a pretty plain notice to Senator McInnes, and if the cap fits he can put it on. That person will now have to be heard from," meaning Senator McInnes. This shows that the report of Inspector Moylan is just as I said, and I have no doubt that any hon. gentleman who reads that blue-book will see what the Inspector was aiming at, and I would like to ask the Leader of this House what the Government propose to do in the matter.

HON. MR. ABBOTT—If my hon. friend had put a notice on the paper so that I could have made the necessary enquiries as to the precise charge which he proposed to make against Mr. Moylan, I would have gone into the details, and would be prepared to discuss the question at much more length than I can now do with the matter sprung upon me in this way. The hon. gentleman from New Westminster informed me that he intended to bring the matter before the House, but he did not say when, and did not give me any particulars, and as this was several days ago, I supposed he had given up the idea of moving in it. However, I took the trouble to ask the Minister of Justice, in conversation with him, what the ground of complaint was, and what his reply was as to the nature of this report, and he stated that he had examined the report carefully and was satisfied that there is not a word in it which can properly be attached to Senator McInnes. Mr. Moylan is not speaking of Senator McInnes, according to the view of the Minister of Justice, when he writes what the Hon. Senator has read to the House; he is speaking of different persons whom he does not identify, but it certainly does not appear that he is speaking of the Senator.

HON. MR. McINNES (B.C). Of whom is he speaking?

HON. MR. ABBOTT. My hon. friend is asking a question which it is impossible for me to answer. I do not know whom the Inspector of prisons suspects of circulating these slanders. My hon. friend, as the *Mail* expresses it, has put on the cap, but whether it fits him or not I do not know. There is nothing in the language of the report which attached any blame to Senator McInnes that I can see. I have not examined it very carefully, but the Minister of Justice has, and that is the conclusion he came to, and the cursory examination I have been able to give to the paper satisfies me that it is impossible to assert that Mr. Moylan has said anything in this report disrespectful to the Senator. He commences by saying:

"A fly-sheet, printed in Washington Territory, contains the vilest slanders and most bare-faced falsehoods against the administration of this penitentiary and some of its most deserving officers, was put in circulation in Victoria about twelve months ago. The production was the work of two of the most depraved and hardened criminals that have ever cursed with their presence any penitentiary in the Dominion."

Surely my hon. friend does not mean that he is alluded to as one of these people?

"It was one of them who, coming across from Seattle, distributed in a few hours the untruthful and libelous publication and made his escape to American Territory before his arrest could be effected."

HON. MR. POWER—Who does that allude to?

HON. MR. ABBOTT—The Report continues:

"Certain individuals, who were either very credulous or very unfriendly disposed towards the administration of the penitentiary, made grave charges, alleging that serious abuses and irregularities existed. These charges were of the vaguest nature, nothing definite being mentioned, and they were advanced in a manner which everyone who appreciates fair play and manliness, must stigmatize as dastardly."

HON. MR. SCOTT—To whom does that refer?

HON. MR. ABBOTT—It does not mention one person; it mentions "persons," in the plural. What right has the hon. gentleman to take to himself the statement that persons have made vague charges against the penitentiary? The hon. gentleman was in his right; there was nothing wrong about his speaking of what he thought was wrong in the management of this penitentiary. It was his duty to do so, and such a statement as appears in this report can have no possible reference to the hon. gentleman. In fact, it would require the strongest possible evidence to warrant any of us in coming to the conclusion that the language used refers to a Senator, who in his place in the House, spoke in general and moderate language of a supposed maladministration of a Government institution. I do not think that my hon. friend has any right to assume that he is one of

those persons who are stated in this report, to have been guilty of dastardly conduct with regard to the penitentiary. The abstract proposition of Mr. Moylan is not attached to my hon. friend when he says "He is a veritable coward that makes acccusations against men who, by reason of their position, are helpless to defend themselves." It seems to me, from the casual examination I have made of this report, that the persons who have really made these charges are, I should judge, the publishers of a newspaper in New Westminster. I find here in the report a letter from Mr. Moylan to the publishers of the *Daily Columbian*, in which he says:—

GENTLEMEN,—My attention has been called to an article published in the "Daily British Columbian" on the 8th of February last, on prison reform, in which the following passage occurs:—

"If half the stories that are told about our own provincial institution are true, an investigation is urgently demanded."

I am further informed that, in another issue of your journal, the general statement made by Senator McInnes, last Session, in the Senate, as to the existence of abuses and irregularities in this penitentiary was endorsed.

In view of these publications I have the honor to state that, during my present visit to this institution, I should be glad to make any enquiries that might be called for by the facts which have come to your knowledge, and to which you have made reference, in your paper.

If you will, therefore, be good enough either to to furnish the evidence yourselves, or to give me the names of any persons who may be able to prove the existence of abuses or irregularities, a careful investigation shall be made and I shall be glad if you can be present thereat.

I do not find anything disrespectful in that to Senator McInnes. It is plain in this report that Mr. Moylan put his finger on the men who are publishing charges against him, and that these are the men that he calls on to verify them, and asks to be present when he goes into an investigation to ascertain what ground there is for making such charges.

HON. MR. MCINNES—Will the hon. gentleman please read the letter that he addressed to me?

HON. MR. ABBOTT—Yes, here is the letter:—

"SIR,—In view of the statement made by you in the Senate, last Session of Parliament, to the effect that abuses and irregularities exist in this penitentiary, I have the honor to state that, during my present visit to the institution, I shall be glad to make any inquiries that may be called for by the facts which have come to your knowledge and to which you made reference in the Senate.

"If you will, therefore, be good enough either to furnish the evidence yourself, or to give me the names of any persons who may be able to prove the existence of abuses, or irregularities, a careful investigation will be made, and I shall be glad if you can be present."

What on earth does my hon. friend find objectionable in that? Here are two sets of people, as appears by this report, who made charges against this penitentiary. My hon. friend, in his place, stated he was informed that great irregularities and abuses existed, or something to that effect. The Inspector writes him a perfectly respectful letter asking him to be good enough to furnish him with the names of the persons who could prove those charges, or to give him any assistance he can in the investigation. Where is there anything wrong in that? Then he writes to the other parties who had spoken in much stronger language than my hon. friend, and respectfully asks them to give him any information they can. The man was doing his duty. He saw by the Senate Debates and by the newspapers, that reports were current that the penitentiary was not properly managed. He wrote to the people who had spoken of these reports and asked them for all the information they could give him, informing them that he was going to make a thorough investigation. Some of these people, as will be seen in a moment, refused point blank to have anything to do with the investigation, or to give any information, and reiterated their charges in an insulting manner. My hon. friend did not do that. The publishers of this paper wrote and communicated to him, as I understand, the article they had published in their paper. It was very strong indeed, and they insisted on a special commission being appointed outside of the service. Then they quoted the speech of my hon. friend and proceeded to say:—

"The foregoing extracts will explain our attitude on the question of an investigation into provincial penitentiary matters more clearly perhaps than anything else, and it will not be necessary to give any further reasons for respectfully declining to shoulder the *onus probandi* in such an investigation as you propose. We might add that any evidence in an investigation into the matters in question should be taken on oath."

These gentlemen, then reiterated their charges in a much more definite and a much grosser form than Senator McInnes had used respecting them in the House, and I cannot see how my hon. friend takes to himself the abstract remark that a man who slanders his neighbor behind his back is a coward. My hon. friend did not slan-

der him in an anonymous or dastardly way, but spoke out in his place in the Senate in a proper way, in a manner that his duty justified, and why my hon. friend puts the cap on his own head I cannot understand. Then the Inspector goes on and speaks of this as a general statement, he does not speak of my hon. friend's remarks as a charge. He says:

"Owing to the general statement made in the Senate, last Session, and its endorsement by the "British Columbian" newspaper in the absence of any party or parties to prefer charges against the management and officers of the penitentiary, I consider it advisable and my duty, to examine the officers of the staff, individually, in a general way, on oath, as to the administration of the institution.

And then he went into the investigation. Among the witnessess examined was a near relative of my hon. friend, and the inspector gives the whole of the evidence which he took in this report. With the exception of one thing, which I think was improper, in this report—he used the word "person" speaking of my hon. friend—I see nothing in the world that he could object to, and nothing in the world to fasten upon him this statement which Mr. Moylan made as to his opinion of persons who slandered their neighbors and circulated falsehoods in a deliberate manner behind their backs. That was the conclusion that the Minister came to, and the conclusion which seemed to be justified by a closer examination that I made myself of the report; and in the absence of its being shown that these persons who are alluded to by Mr. Moylan included my hon. friend, I do not see, nor does the Minister see, what step he can take about the matter. I can only say, in answer to my hon. friend's question, that being satisfied that the remarks in this report did not apply to Senator McInnes, there being nothing in the report itself which creates any connection between them and the hon. gentleman, the Government can do nothing in the matter whatever.

HON. MR. BELLEROSE—The question is put—why is this remark supposed to apply to Senator McInnes? It is because it appears distinctly so in black and white, and I can assure the hon. gentleman that if he had to deal with this case as he deals with many other cases, he would admit that the language in the report applies to the hon. gentleman from New Westminster. On this same page the statement is made that those who make charges are cowards, and then he adds that he wrote to "that person"—to whom does the inspector refer when he speaks of "that person?" The report is there, and I defy any one to say conscientiously that he has any doubt that the hon. gentleman from New Westminster is intended. If we take any pride in being Senators, it is on condition that the Senate be respected by the Government, and if the Minister of Justice has stated that he read this report (as I have no doubt he did) knowing him to be a good scholar, I am surprised that he should state that in his opinion the language does not apply to a member of this House. When Mr. Moylan made an attack on a member of this House two years ago, it was not considered a matter of importance, because the object of his attack was opposed to the Government; to-day another member opposed to the Government is attacked. The Government may think they should do nothing to punish the Inspector for attacking their opponents, but friends of the Government may be attacked at any time in a similar manner, and they should clearly express their opinion as to whether they desire this thing to continue. Now, what did Senator McInnes say last year? He complained of irregularities, and said that if they were not remedied it would be his bounden duty to demand an investigation, not by the Inspector—and why? Because, as I have shown this House, there is strong evidence that the Inspector is not worthy the confidence of any honest Government. Have I not charged him, as well as the Government, with having made a false report to Parliament? I said so on a former occasion; I repeat it now, and for fear that an investigation might be held, the Government have remained twelve months under the charge of having made a false report. When I made the statement, I asked for an investigation, and was told that I could not have it. I proposed to the Government to take seven of their friends, and amongst them I mentioned the hon. Mr. Macdonald, of British Columbia, the hon. Mr. Dickey, of Nova Scotia, and five other of their supporters. I said: "let there be a committee and to-morrow I will submit my evidence." That was refused on the ground that I had not given a day's notice. If notice was required, I was the one which should have expected it, in order to

prepare my case, but I did not ask for a notice. It would have been a serious matter for the hon. gentleman from New Westminster, to ask for an enquiry before the Inspector, when the Minister of Justice had been obliged to admit, in the other House, that though many enquiries had taken place at St. Vincent de Paul Penitentiary, yet affairs in the institution had been going from bad to worse. Was that the sort of official to conduct an investigation—the man whose investigations had not prevented matters from going from bad to worse at St. Vincent de Paul? The Inspector did the same thing that I complained of in my speech two years ago. The moment the Inspector hears of a complaint being made in Parliament he rushes to St. Vincent de Paul and makes an enquiry in his own way, and then reports that it is all right, and that those who make the charges are calumniators. That is exactly what he did in this case. The hon. gentleman from New Westminster, having stated that he would feel it his duty to demand an investigation, the Inspector went to New Westminster and made an inquiry himself. I do not know what sort of an investigation it was, but if it was anything like the enquiries that the same official has held at St. Vincent de Paul, it must have been a sham enquiry. There is a document on the table of the Senate which shows that the Inspector of Penitentiaries has before him a charge that the head men of St. Vincent de Paul Penitentiary refused to allow the reel of the Penitentiary to be used to extinguish a fire which had broken out in a house near the institution, although it has been the custom to render such assistance for twenty years before, but the proprietor of the house belonged to the opposition. On former occasions, when fires had broken out in the village, the penitentiary reel was taken to the spot and the fire extinguished, so that when I heard that a fire had broken out, I said to myself "it will be out in a few minutes," but when it continued for over an hour I went to the spot and found that the reel was not there. One of the officials of the penitentiary said to me "if we had had the reel here the house would not burn down." Then I said to one of the officers of the penitentiary that they would suffer for their want of humanity, and one of them named McCarthy, the one that was promoted for having done mischief, said to one of the men "go for the reel." He went for the reel, but among the whole of the men there, not one of them understood how to manage it.

HON. MR. ABBOTT—I do not think the subject of the alleged mismanagement at St. Vincent de Paul can be properly brought up now.

HON. MR. BELLEROSE—I submit to it; I thought the Government would be happy to hear the truth of the matter.

HON. MR. ABBOTT—The Government heard it all last year.

HON. MR. BELLEROSE—No, that was another matter. However, these are the reasons why an investigation by competent men was demanded, and the Minister of Justice himself said in the other House that it was evident that the Inspector himself could not manage these enquiries at St. Vincent de Paul any more. If he begins in the same way out at New Westminster, I do not see why the representative from British Columbia should not complain that the Inspector is not doing his duty. These are the reasons why I thought I would raise the question of privilege, because I consider a member of this House has been attacked.

HON. MR. MACINNES (B. C.)—A week ago last Friday a copy of the *Mail* Newspaper was placed in my hands by the hon. gentleman who has brought this subject before the House. I read it, and my first impulse was to bring it immediately before the Senate at the very next sitting. However, two years ago, when I brought up a similar matter for the hon. gentleman from Delanaudiere, the leader of the Government said in his place in the Senate that he would have been prepared to take some definite action in the matter had he been informed of it in advance. Consequently, instead of bringing it up on Friday, I went and saw the Minister of Justice, Sir John Thompson. I thought it was only just and fair that he should know what course I intended to pursue. On Monday again I thought it would only be doing justice to a colleague in this House to place the matter before the leader of the Senate. I therefore took the report of the Minister of Justice, which I now hold in my hands, marked it, underlining all the offensive and

obnoxious passages in that report and sent it to my hon. friend, so that he had from Monday last to the present time to investigate and thoroughly sift the question before it came up to-day, and I must confess that I cannot understand the hon. gentleman when he says that this matter has been sprung on him. My object in going to see Sir John Thompson was not only to give him time to make reparation, if reparation were possible, but to ask him if he was aware of this—if he had seen and read this before it was printed. I told him, in submitting the matter to him, that I did not believe—I could not believe that he was a party to it, or that he had any knowledge of what was being placed in the report. To my utter astonishment he told me, after some hesitation, that he was aware of it. Notwithstanding that statement of the Minister of Justice, I have no hesitation in saying that I did not believe that statement of his (cries of Oh! Oh!) I have more charity, more consideration for him and for the high and honorable position he occupies, than to believe that he read that report before it was put in the hands of the printer. I believe his kindness of heart and anxiety to shelter his official, caused him to state that he saw it before it went to press. That is the impression that was made on me at the time, and I hold that impression yet, for were Sir John Thompson guilty of being a party to the libellous, the scandalous and, I might say, indecent report, made by the Inspector of Penitentiaries, he would be unworthy of keeping the position that he now holds. I will now show the leader of this House, and every member of the Senate, that no two constructions can be placed on that report, and that it refers to me and to me alone; and it is only by an enormous stretch of the imagination and by a complete perversion of facts, that one can avoid that conclusion. The hon. gentleman has read that particular portion of the report referring to those ex-convicts that came over from Seattle and issued a number of fly sheets containing the most libellous statements and slanders, as he says, on the officers of the British Columbia Penitentiary. There was nothing indefinite about this statement. The charges made in that fly sheet were of the most violent character, and that fly sheet only represented what was current for years before it made its appearance in that form. It will be observed here in all the passages and letters quoted by the Leader of the Government, that he omits the connection with myself, and I intend to fill up that gap which will, as I said before, show you conclusively that the language used was meant for me and no other person. Immediately after characterizing the person who would not formulate his charges as a dastardly coward, and abusing him in the strongest adjectives he could command, he connects my name with this proposed investigation and says that he addressed a letter to "that person." Now, the hon. Leader of the House has read that letter to you. It is dated New Westminster, 5th September, 1889, and was written about one week after the arrival of the Inspector. The city of New Westminster has a population of about 8,000, and every official in connection with the penitentiary was aware that I was about 8,000 miles away from home at the time this official, who was about to exercise judicial functions and investigate the irregularities at the penitentiary, addressed a letter to me. Instead of myself acting in a cowardly manner, he showed himself an arrant coward—he took advantage of my absence with my family, when I was travelling in Europe, 8,000 miles away from New Westminster, to ask me to formulate my charges and substantiate what I had said in my place in the Senate. And in order to shield himself again he says "I received no reply, the Senator as I learned being absent." He does not say that he learned of it at the time, though he must have been aware of it. But this is only in keeping with the complete farce of the whole investigation that was held at New Westminster. Then again he wrote a letter asking the editors of the British Columbia newspaper to appear and make good the charges they had published four months before I ever spoke in this Senate about irregularties in the penitentiary. I I may say here that for years I had been receiving letters, and dozens of respectable men had told me of the irregularties, not irregularties, but abuses of the worst and grosses kind in the penitentiary, but my lips were sealed by the fact that I had never had an unpleasant word with Mr. Moylan, the warden, the deputy warden or any official in connection with the institution, and the only thing I reproach myself for now is that I so long kept quiet, and

neglected to expose what I then believed and what I now believe to be gross wrongs and injustice in the management of such an important institution. He also wrote to the British Columbian in which the charge had first been made and an investigation demanded—an investigation which would be beyond the control or influence of the Government or any person connected with the penitentiary. Four or five months afterwards, in the mildest language that I could command, I rose in my place in the Senate and stated that I believed that there were irregularties in the management of the penitentiary. The Inspector endeavors to make it appear that I stated there were abuses.

I did not make use of as strong a word as "abuses;" the word I used was "irregularities," and the publishers of this newspaper, the *British Columbian*—one of the ablest conducted dailies in this country, the only fault of the paper being that it is a Government paper, a paper that has given a general support to the Government for a number of years, but those who conduct that newspaper are men of the highest standing and reputatioh—uses the same language.

HON. MR. MCMILLEN—It shows their good sense to support the Government.

HON. MR. MACINNES (B.C.)—It showed their good sense when they drew the attention of the Government of the Dominion to the alleged irregularities in connection with that penitentiary. I will read the reply of the publishers of the *British Columbian* to Mr. Moylan's demand for evidence of the existence of "abuses or irregularities:"—

"OFFICE OF 'THE BRITISH COLUMBIAN,'
"NEW WESTMINSTER, B.C., Sept. 6th, 1889.

"SIR,—Your favor of the 5th instant is hereby acknowledged. A sufficient reply to the proposition therein contained, as well as a correction of the evident misapprehension by yourself of the position of this journal with regard to an investigation of the conduct of the British Columbia Penitentiary, may be found by a perusal of the conclusion of the article (published in this paper on the 6th of February last) from which you have been pleased to quote, and we submit the extract accordingly, beginning with the clause cited in your letter.—

"If half the stories that are told about our own provincial institutions are true, an investigation is urgently demanded. Of course these stories are told by convicts, who bring them to the light of day, on the expiration of their sentence. And the word of a convict is not to be taken? Perhaps not. But who would expose abuses in penitentiaries if convicts did not? It is not to be expected that the perpetrators would tell on themselves. It would be well if the Dominion authorities would investigate the penitentiaries once in a while, and to do so by means of a special commission outside the service altogether. Such a method might lend variety to the reports. Those institutions that are conducted properly would suffer no injustice, while conversely wrong if it exists, would be discovered and righted. We also cited below, Senator McInnes, immediately pertinent remarks on the subject, made in the Dominion Senate on the 24th April last, and our endorsation appended:—

"We have a penitentiary within a mile of where I live in New Westminster. It is believed that there are a great many irregularities in connection with the management of that institution. I am not going to make any charges now, but I believe the rumors are well founded, and when the proper time comes, I fear it will be my bounden duty to ask that an investigation be made and that it be placed entirely beyond the control or influence of the Inspector of Penitentiaries and the Government, and that some judge of the Supreme Court, or other thoroughly disinterested and qualified person shall take evidence and investigate all complaints, and thereby do justice to the people of the penitentiary, and if they are not guilty of what they are charged they will be exonerated; if guilty they should be punished, and the public will be satisfied. Anything short of that, in my opinion, will not give satisfaction. I think this case of the St. Vincent de Paul Penitentiary has not gone too far yet for a thorough and searching investigation to be made of it before some of the judges of the courts in the Province of Quebec.

"It is unnecessary to comment upon Senator McInnes' remarks with respect to the penitentiary in this Province. We have already made a similar suggestion and thoroughly endorse what the senator has said on the matter.

"The foregoing extracts will explain our attitude on the question of an investigation into provincial penitentiary matters more clearly perhaps than anything else, and it will not be necessary to give any further reasons for respectfully declining to shoulder the *onus probandi* in such an investigation as you propose. We might add that any evidence in an investigation into the matters in question should be taken on oath.

"We remain, yours respectsully,
(Signed), KENNEDY BROS.

"J. G. MOYLAN, Esq.,
"Inspector of Penitentiaries,
"New Westminster."

Now, here is a newspaper that made very much stronger charges than I even insinuated in my place here last year, but in the investigation that immediately followed, I will show conclusively to the House that there was not a question put by Inspector Moylan, acting as a Judge, that has the least bearing whatever on the charges made by the *British Columbian*, on the contrary every question asked has a direct reference to myself. I do not observe one solitary question that has any reference to this fly sheet and the charges made in the fly sheet; every question is put with a view to fasten something on me by which they could belittle not only myself as an individual but this Senate in the eyes of the people. The Warden of the

Penitentiary, in giving his evidence, is asked by Mr. Moylan the following question :—

"Have you read the statement made in the Senate last session by Dr. McInnes of this place to the effect that abuses exist here ?"

I never said "abuses." Yet in every question about "irregularities" he includes the word "abuses," a word I never uttered or referred to. The answer of the Warden us:

"I have, and it is untrue.
"Q. Could any abuses have existence withou your knowledge ?
"A. Certainly not, because I have lived here since the Penitentiary was opened ; if any such existed I would have either seen them or heard of them.
"Q. Can you assign any reason for Dr. McInnes making such a statement in the Senate here?"

Inspector Moylan is judge of our actions here and all our sayings. I hope the Government will not retain him in the service of this country for that purpose any longer. The Warden replies:

"I have reason to believe I offended him, at the beginning of my administration, because I did not appoint persons on the staff, on his application, who were unfit for the position."

Twelve years ago, when that institution was opened, I happened then to have the honor to represent New Westminster district in the House of Commons, and I thought I had as good a right as any person to make recommendations to the Warden of persons that he should take on his staff. I did make recommendations. I am speaking now from memory when I say that every recommendation that I made, with the exception of one, was acceptable to the Warden of the penitentiary and that his refusal on that occasion actuated me, or that I ever thought of harboring a harsh feeling towards the Warden or any other official connected with the penitentiary is false as false can be. I am surprised that the Warden should be silly enough to attribute such mean, childish and unworthy motives to me as that. I will again refer to the report. The Inspector asks the Warden again :

"Had he opportunities of seeing how the affairs of this institution are conducted ?
"A. He was employed as substitute for the surgeon, several times."

I never was employed there. That is a misleading term that he makes use of. I acted gratuitously for my brother surgeon whom I am sorry to say is dead. I acted several times during his absence in Victoria, and during a trip to the Eastern Province here to his home, to see his poor old mother. I acted for him, and I never was employed by the Government or the Warden or any other person in that capacity.

"He attended on my family, also on his nephew, the steward, and was present at the investigation held here by Mr. Trutch, when Government Agent. I frequently asked him to visit the penitentiary ; he promised to come in his capacity of Senator ; but he has not done so."

I had more reasons than one for not visiting that penitentiary, as often as I otherwise would. In the first place I have a nephew there who is steward of the penitentiary ; and has been for years, and from the number of complaints made by reputable men of irregularities and abuses, of the grossest kind, in the penitentiary, I wanted to close my eyes and shut my ears to anything in connection with it, and that is the reason I would not visit that institution as often as I probably should have done. And as an evidence that there was no harsh or ill-feeling existing between the Warden and myself, he has employed me professionally whenever he could get me, to attend on his wife, his family and himself, ever since I went to British Columbia, sixteen years ago : and that of itself ought to be sufficient proof that I was not actuated by any unfriendly motives towards the Warden or his family. Inspector Moylan proceeds with his enquiry :—

"Have any other parties made or instituted charges against the administration of the penitentiary that you know of ?
"The only other parties who have done so are the Kenny Bros., publishers of the British Columbian Newspaper.
"Q. What did they say ?
"A. They endorsed Senator McInnes' remarks, and said that if half the stories told by discharged convicts were true, that an investigation was very much required.

I never received one word of information in connection with the management of that institution from a convict or an ex-convict, but I have from men whose varacity cannot be doubted for a moment, and whose bare word would be taken in preference to the sworn affidavit of Inspector Moylan, where they are known. Then the Deputy Warden was put under examination. He is asked this question :—

"Have you seen the statement made by Dr. McInnes, last Session of Parliament, about abuses existing in this Penitentiary ?
"A. I have read it." He never fails to put in the word "abuses."

"Q. What do you think of it?
"A. I think this statement is false.
"Q. Is not this a rather strong word to use?
"A. I don't tkink so; but I think the charge groundless and uncalled for on his part."

Then comes another important question—it appeared to be the all important question with the Inspector:—

"Q. Do you not think he made the statement in good faith and in the public interest?"

Here he is questioning the motives of an hon. member of this House about charges which, if true, this witness ought to be punished in the severest way, and if not guilty he ought to be exonerated. That is the reason I spoke last year as I did. I contended that if those charges were groundless these men should be honorably acquitted and exonerated from all blame, and those who made the charges should be punished or laid under censure. The answer was:—

"A. I do not.
"Q. Why do you say this? A. I base my opinion upon the fact that Dr. McInnes was annoyed because, after the opening of the penitentiary, he could not have his own way in certain matters. I refer to certain appointments which he wanted to make on the staff and to improvements on the grounds."

When Mr. Moylan went out there to open the Penitentiary, he brought with him the present Deputy-Warden, who had been a guard before that in the Kingston penitentary. He took him out there and appointed him chief keeper. That was the position he held until about three or four years ago, when he was made Deputy-Warden. I feel as confident as that I live that I never for a moment mentioned any appointment to the then chief keeper, and if I made any suggestion about laying out the grounds I have not the most remote recollection of it. If I did, so little attention did I pay to it that it has entirely escaped my memory, but I am very sure I would not apply to the chief keeper to take any person on the staff, because he was not in a position to make an appointment. That was exclusively in the hands of the Warden and not of the chief keeper, so that the statement made there by the Deputy-Warden is equally false and silly as that of the Warden. I will now call the attention of the House to the evidence given by my nephew, and you will see right along in the questions how the Inspector wishes to entrap him, and if possible, to find out that I had been interfering with the government or internal arrangements of the penitentary. He asks the question:—

"Q. Are you aware that any abuses or irregularities have had existence, or still exist, in the management or among the officers?—A. I know of none.
"Q. Have you stated to anyone that they do exist?—A. I have not.
"Q. Has anyone questioned you to that effect?—A. No."

My nephew states that he does not believe that there are any irregularities or abuses in the institution. I have read a portion of the evidence given by each of these witnesses in that mock investigation to show you the animus of the Inspector—to show you that it was not to correct abuses if they existed in the penitentiary, but to fasten on me what he calls "dastardly and cowardly conduct." I leave it to any hon. gentleman in this House if I could have referred to the rumors in a milder manner than I did? Did I insinuate anything but what I had a perfect right to insinuate, and to bring to the notice of the House? The members of that institution, if they are guiltless, ought to have thanked me for drawing the attention of the Government in the mild way that I did to these rumors in order that there should be an investigation into the management of the institution, and to prove to the public whether there was any foundation for the rumors or not. As I said before the report shows the animus of the whole affair. The inspector had not the manliness to mention my name, but in the very last sentence in the moralising and philosophizing general paragraph in the report, which I submit he or no other official should be allowed to insert in a public document, he tries to shelter himself under a general proposition without any application. I leave it to hon. gentlemen to say whether, taking the investigation as a whole, it does not apply to me as plainly as it was possible for him to state it even in words? Now, why was this done? Why has he made this violent attack upon me and upon the Senate of Canada? It was in consequence of this: In 1887 I called the attention of the House to another violent and cowardly attack upon an hon. member of this House, issued in a Blue Book, without the authority of the Minister of Justice. I will read it, and I shall read the reply of the leader of the Government in this House.

It will be found in the Senate Debates for 1887, at page 284:—

"We have a penitentiary within a mile of where I live in New Westminster. It is believed that there are a great many irregularities in connection with the management of that institution. I am not going to make any charges now, but I believe the rumors are well founded, and when the proper time comes, I fear it will be my bounden duty to ask that an investigation be made, and that it be placed entirely beyond the control or influence of the Inspector of Penitentiaries, and the Government, and that some judge of the Supreme Court, or other thoroughly disinterested and qualified person shall take evidence and investigate all complaints, and thereby do justice to the people of the penitentiary, and if they are not guilty of what they are charged they will be exonerated; if guilty they should be punished, and the public will be satisfied. Anything short of that, in my opinion, will not give satisfaction."

The reply of the hon. leader of this House was satisfactory and I give him credit upon that occasion. He did his duty well, honestly and faithfully. No person could have done more than he did on that occasion to vindicate the honor and the dignity of the House, and the Inspector received a reprimand. I do not think it is any secret when I say that another mode was taken to mark the sense of the Government, and that was, I believe, by knocking off some $500, that was about to be added to his salary. I heard it so stated and I believe it is correct. It appears that that is the foundation for all his vile report and references to me, and this mock investigation that was held at the penitentiary. Under all the circumstances, every step which this man has taken, every question that he has asked, every word that he has uttered in connection with this mock investigation shows the animus of the individual. It shows conclusively that his object was not to do justice to the institution and those officials employed in it, but to have a slap at me, to defame me if possible and in doing that, I submit, it was carrying out the instincts—yes the instincts of a lineal descendant and faithful disciple of Judas Iscariot, because only a Judas Iscariot could act in such a vile, contemptible manner, and I sincerely hope that the Government will not keep the lubberly, impudent parasite in their employ any longer. Is he retained there to vilify members of this House, or is he there to discharge a public duty? I made no insinuation against him in my remarks when I brought the matter before the House, and if the House is true to itself it must vindicate its own honor. The Senate has sunk low enough in the opinion of the country—so low that a hired servant of the Government, in a report in a public document, with perfect impunity, imputes most improper motives to a member of this House when he rises in his place and discharges what he believes to be a public duty. I say that it is time that the Senate should mark its sense of wrongdoing in allowing Government officials to slander public men.

HON. MR. ABBOTT—I really must express my regret that I am compelled to address the House again on this subject. If my hon. friend had followed the hon. gentleman from Laval I would have answered the two questions at once.

HON. MR. POWER—The hon. gentleman from New Westminster rose in his place before the leader of the House stood up.

HON. MR. ABBOTT—I did not see anyone rise; if I had I should certainly have waited until I heard what my hon. friend had to say. However, as the hon. gentleman has spoken, I think I must say a few words in answer to him, because I really do not think that the aspersions which he is casting on Inspector Moylan are justified by what I find in this report. I have nothing to do with Mr. Moylan himself or his disposition towards the hon. gentleman. What I have to do, as a member of the Government, is to see, as far as I can form an opinion, whether an officer of the Government has in any respect vilified or insulted, or spoken disrepectfully, or improperly, of any member of this House. That is the task I propose to set myself in connection with this enquiry, and beyond that I do not propose to go, whether the enquiry was a valid enquiry or substantial enquiry, except in so far as it bears on my hon. friend's complaint; but I must say this—and my hon. friend will pardon me for saying it—I have listened attentively to what he said with the expressed intention of proving that the remarks of Mr. Moylan were intended to apply to him and no one else, and the more he has said, and the more I compare what he has said with what I see before me in this report, the more I am convinced that he is entirely in error, and that there is nothing in this report to connect him with the remarks of Mr. Moylan which he finds offensive. He has given us two or three reasons why he thinks Mr. Moylan refers

to him. First, he says, "he wrote a letter to me, which shows that it was to me he was looking and not to other people. He did write a letter to my hon. friend, and if any hon. gentleman has the report before him, I would like him to look at it. At the foot of page 25, Mr. Moylan speaks of the persons who circulated these fly sheets, and of certain credulous individuals who had laid charges on those statements, which charges, he said, were made in a dastardly manner. I have already shown that no one could characterize the charges that Senator McInnes made as being made in a dastardly manner. They were made in an open manner in his position as a member of this House, and there was nothing that he said that could be distorted into anything dastardly.

HON. MR. McINNES (B.C.)—There is one question I would like to ask the hon. gentleman: has the Inspector, during the whole of the investigation, ever asked about the charges that were made except the ones in the British Columbia newspaper? Is not every question that is asked for the purpose of fastening it on me?

HON. MR. ABBOTT—My hon. friend really astonishes me. That is the 3rd point that my hon. friend raised; what he says now, and what he said before, astonished me, and I think it will astonish this House when it learns the facts. To return to this letter, the Inspector, after dealing with the paragraph which I have just referred to, proceeds in another paragraph to turn to my hon. friend, and obviously refers to a different subject. He says: "In connection with the remarks made by senator McInnes on the 24th April last in the Senate, I adressed, with the approval of the Minister, the following letter to that person." He says here "to that person;" I think it was wrong and indecorous to speak of Senator McInnes in that way, and Mr. Moylan has been already told so, but still it is not an offence so heinous as to justify what my hon. friend has said. But anyone who will read the report with an unprejudiced eye will see that the Inspector is dealing with two different matters. In the first paragraph he says that persons have made grave charges in a dastardly manner, and then in another paragraph he says that he wrote Senator McInnes a letter. As far as anyone can judge from the appearance of these paragraphs, Mr. Moylan was speaking of two different things when he characterized these charges as "dastardly" in one paragraph, and in the next paragraph stated that he had written a letter to my hon. friend. He does not speak of Senator McInnes' charges as being dastardly, but in the letter which I have already read to the House, he asks the Senator, in the most polite and respectful manner, to put him in communication with what witnesses he could.

HON. MR. McINNES—Why did he write that letter at all, knowing that I was not in the country?

HON. MR. ABBOTT—My hon. friend says that he was not in the country at the time; I take his word for it but I do not know whether Mr. Moylan was aware of the fact or not. I must take the report as I find it. My hon. friend says that the Inspector has villified, slandered and abused him in this report. Now, I find that he wrote my hon. friend a most civil and respectful letter, asking him to put him in possession of information. My hon. friend asks "why did he write to me?" He wrote because my hon. friend made certain charges from his place in the Senate. I give him credit for having made them in the mildest manner possible. His motive, and the mode in which he proceeded, are perfectly clear—perfectly right and reasonable as far as I can see. My hon. friend insists that it must have been with regard to him that this enquiry was instituted, because he had made those statements before the *British Columbian* newspaper.

HON. MR. McINNES—No months after?

HON. MR. ABBOTT—Then I did not correctly understand my hon. friend. He says now because he was the second person who made the charges, therefore the enquiry was made. There are no conclusions to be drawn from such statements in one direction or the other. Whether my hon. friend made the statement in April and the *British Columbian* newspaper made them in February, or *vice versa*, does not afford any clue to the desire or intention of Mr. Moylan in instituting this investigation; there is nothing to indicate anything unpleasant to my hon. friend in that. The hon. gentleman said, and

repeated just now, to my astonishment, that it must have been with regard to him that all these remarks were made, because in the whole investigation, every question put to the witnesses, was directed to him, endeavouring to fasten on him the investigation. There were 32 witnesses examined in this enquiry—every man about the place was examined. A card was published in the newspapers calling upon anyone who could give information to come and be examined. Of the 32 witnesses examined only 10 were asked anything about the hon. gentleman at all; 22 were never asked a question about him.

HON. MR. MCINNES (B.C.)—The manner in which those 22 witnesses were asked a few questions was this: they were all officials of the penitentiary, and as I was told, it would occupy too much of Mr. Moylan's valuable time to examine them separately, so there were general questions asked, "you concur in that?" and so on, and that portion of it was all through in a few minutes. That was the investigation.

HON. MR. ABBOTT—Does that support what my hon. friend said just now, that every witness who was examined was examined solely with regard to him?

HON. MR. MCINNES—Yes, every one of the main witnesses—the Warden, Deputy-Warden, Chaplain, Steward, and so on—every witness that was examined right along.

HON. MR. ABBOTT—My hon. friend now qualifies it and says that every question put to these witnesses was put with regard to him.

HON. MR. MCINNES—Not every question.

HON. MR. ABBOTT—That is what I understood him to say. I would like to know what my hon. friend does say. I can only answer what he says in the House; I cannot answer what he may have in his mind when he makes such statements as those. He says now, as I understand him, that every one of those witnesses who were examined "right along," as he says, was examined with reference to him—that every question put to those witnesses was put with regard to him. That is just as erroneous as the other statement. The first witness examined was the Warden. His examination extends over a little more than an entire page of the paper. He was asked every imaginable question, I should say, about the general management of the institution, and the mode in which it was conducted before he was asked anything about my hon. friend. Then he was asked these 4 questions:—

"Q. Have you read the statement, made in the Senate, last Session, by Dr. McInnes, of this place, to the effect that abuses exist here? A. I have and it is untrue.

"Q. Could any abuses have existed without your knowledge? A. Certainly not; because I have lived here since the penitentiary was opened; if any such existed I would have either seen them or heard of them.

"Q. Can you assign any reason for Dr. McInnes making such a statement? A. I have reason to believe I offended him, at the beginning of my administration, because I did not appoint persons on the staff, on his application, who were unfit for the position.

"Q. Had he opportunities of seeing how the affairs of the institution are conducted? A. He was employed as substitute for the Surgeon, several times."

Those are the four questions in an examination which covers more than a page of close print that are put to the Warden about Dr. McInnes. This is what my hon. friend calls devoting every question in the examination to fastening an imputation on him.

HON. MR. MCINNES—Special pleading!

HON. MR. ABBOTT—That is an expression the hon. gentleman is fond of using.

HON. MR. MCINNES—That is a sort of argument the hon. gentleman often resorts to.

HON. MR. ABBOTT—It is a favorite statement for gentlemen to make who are not perfectly accurate in their statements sometimes—not intentionally, of course—and it is applied generally to those who are more accurate, and that is the case in the present instance. The Deputy-Warden is the next witness sworn. He was examined right along, and his testimony, according to my hon. friend, ought to be found entirely devoted to showing that he was the man that was guilty of all these false imputations. This man's deposition extends through two pages of close print, and from the beginning of it down to the foot of the second page every word of it is devoted to the management of the penitentiary. No allusion is made to Dr. Mc-

Innes until at the end four or five questions are put as follows:

"Q. Have you seen the statement made by Dr. McInnes, last Session of Parliament, about abuses existing in this penitentiary? A. I have read it.

"Q. What do you think of it? A. I think his statement is false.

"Q. Is not this a rather strong word to use. A. I don't think so; but I think the charge groundless and uncalled for on his part.

"Q. Do you not think he made the statement in good faith and in the public interest? A. I do not.

"Q. Why do you say this? A. I base my opinion upon the fact that Dr. McInnes was annoyed because, after the opening of the penitentiary, he could not have his own way in certain matters. I refer to certain appointments which he wanted to make on the staff and to improvements on the grounds."

HON. MR. POWER—Do not those questions of the Inspector remind one very much of that suggestion "Don't nail his ears to the pump"?

HON. MR. ABBOTT—No.

HON. MR. POWER—Very much I think.

HON. MR. ABBOTT—This man is not a lawyer, and he did not ask the questions as I should put them, but surely there is nothing improper when he came there specially to make an investigation in consequence of charges that had been made, to call the attention of the witnesses to those charges and ask them what they thought about them. I see nothing wrong, and I cannot imagine that any person could see anything wrong, unless he felt determined, *a priori*, to find something wrong in what the Government officer did. The next witness examined is the Protestant Chaplain, and three-quarters of his deposition is taken up with enquires about the management of the institution. Then, as in the former cases, his attention is called to the charges made by Dr. McInnes. The Steward is asked about the service generally before he is asked any questions about his uncle, and what he is asked seems to point to this, that Mr. Moylan's desire was to get at the bottom of the charges. He found out from the Steward that, at all events, one of the persons who furnished information to my hon. friend was an ex-guard of the institution, a man who had been dismissed. He went to my hon. friend and carried statements to him which were derogatory to the institution. Then the other witnesses were not examined right along. It would have been very easy for Mr. Moylan to put questions to these witnesses, but he makes the following explanation:—

"In order to shorten the enquiry, to save time and writing, and to examine every officer of the staff, I asked each of the under named the following questions. The answers will be numbered correspondingly, 1, 2 and 3.

Q. 1. How long are you in the service?

2. Do you know of anything wrong in this institution?

3. Do you know of any abuses or irregularities in the administration or on the part of any of its officers?

Those are the questions, and there is nothing about my hon. friend here. If Mr. Moylan wished to drag my hon. friend into every man's evidence he could have put his name into each one of those questions. The great bulk of the enquiry was devoted entirely to investigating the way in which the institution was managed. There was a mere incidental reference to my hon. friend in some of the depositions towards the end, simply calling attention to his charges to ascertain if they knew of any foundation for them. My hon. friend must understand, and I am sure the House understands, that if I could satisfy myself that these expressions of Mr. Moylan's could legitimately be held to apply to any member of this House, he would be visited by the displeasure of the Government in a manner more severe and more serious than on a former occasion. The course that the Government took when my hon. friend from Delanaudiere was assailed by Mr. Moylan is proof that the Government is not disposed to disregard misconduct on the part of its employees, but, on the contrary, is inclined and is determined to punish disrespect to any member of either House—any official disrespect on the part of its employees which can be brought home to them, but I must say that having heard the opinion of my hon. colleague, the Minister of Justice, whom my hon. friend does not hesitate to accuse of lying deliberately to him, I do not think Mr. Moylan's report contains a reflection upon the hon. gentleman from New-Westminster. None of us is predisposed to believe that Mr. Moylan is respectful to everybody, because he was not respectful to my hon. friend from Delanaudiere, but when the Minister of Justice examined the report and was convinced that there was nothing in it that could with propriety connect my hon. friend from New Westminster with the Inspector's remarks, I am satisfied that he spoke with the most perfect candor, and with that clearness of judgment which peculiarly characterizes him. And when I

read them myself, after my hon. friend calling my attention to it, though I did not know that it was intended as a formal notice and after I had spoken to the Minister of Justice, I must say I could not bring my mind to any other conclusion than that there was nothing in it that could connect it with my hon. friend. If there was, I should be the first in this House to insist that proper reparation should be made, and proper punishment inflicted on the offender.

HON. MR. MCINNES—The hon. leader of the House has charged me with exaggeration. Now, while he was speaking I analyzed the number of questions put to the warden, and I find that there were 13 altogether, 4 of which related to myself. The deputy warden was asked 22 questions, 5 of which related directly to myself. Of the 25 questions put to the Steward, 8 were about me. I think I was quite justified in the statement that I made.

HON. MR. ABBOTT—That does not prove that every question that was put to the witnesses was about my hon. friend.

HON. MR. POWER—I quite agree with the leader of the House that we are not now investigating the management of the British Columbia Penitentiary. The thing we are called upon to do now is to examine the report of the British Columbia Penitentiary, and read the language of the Inspector as a man of ordinary intelligence—a disinterested man—would read it, and make up our minds as to whether or not the language contained in the report should be regarded as being calculated to lower the hon. gentleman from New Westminster in the estimation of his colleagues in the Senate and of the people throughout the country who happened to read the report, that is supposing the people who read the report believed the statements made by the Inspector. The hon. leader of the House takes the ground that the ordinary reader would not apply the language of the Inspector to the Senator from New Westminster. We have to look at Mr. Moylan's language and judge of its meaning for ourselves. I may in that connection call attention to the fact that the *Mail* newspaper, which is conducted with at least a fair degree of intelligence I should say, took the remarks of the Inspector as applying to the hon. gentleman from New Westminster. The hon. gentleman from Delanaudiere read the language in the same way. Other members of this House have read the language and understood it in the same sense; so, whatever Mr. Moylan's meaning may have been, it is clear that his language was at least obscure; and an officer of the Government should write more intelligibly and not write in such a way as to be liable to be misunderstood. It is not because Mr. Moylan is not familiar with the English language, and skilful in its use; in fact one difficulty with Mr. Moylan appears to be that he is afflicted with a fatal facility in writing. The hon. leader of the House has adverted, not to the temper shewn by the hon. gentleman from New Westminster, but to his tendency to use somewhat strong language. That is just one of the objections to a report of this kind, that any member who thinks its language applies to himself, necessarily and naturally allows his temper to rise; and when he loses his temper, his language is not characterized by that moderation which generally characterizes speeches in this House, when members are in a state of perfect equanimity, as they should always try to be. At page 25 of the report, we find, after a statement with respect to those convicts who had come over and scattered libellous leaflets on the sacred soil of British Columbia the following:

"Certain individuals who were either very credulous or very unfriendly disposed towards the administration of the penitentiary, made grave charges alleging that serious abuses and irregularities existed."

And then the Inspector goes on to stigmatize that conduct as dastardly. Then, apparently in order to protect himself in case the matter came up in this House or some similar place, or was brought before the Government in any way, the Inspector says:—

"This is a general proposition without any particular application."

HON. MR. ABBOTT—He stigmatizes the manner as "dastardly"—that could not apply to my hon. friend.

HON. MR. POWER—He says "he is a veritable coward that makes accusations against men who, by reason of their position, are helpless to defend themselves." Did that apply to the publishers of the *British Columbian* newspaper or to the Senator from British Columbia? Any one

libelled by the *British Columbian* newspapers has the courts of law to apply to for the defence of his character. The person slandered by a member of this House has no such remedy; so that the language is very much more applicable to the Senator than to the newspaper. I should say that one would naturally, reading the next two or three lines, feel that what came after is connected with what went before. The Inspector says: "In connection with the remarks made by Senator McInness on the 24th of April last, in the Senate, I addressed, with the approval of the Minister, the following letter to that person." Now, it is not an insult to call a member of this House a person: we are all persons; but it is not language which is generally deemed to be respectful; and the hon. leader of the House had to admit that; so that although the leader of the House stated that the letter itself was perfectly respectful, the language used here as preliminary and introductory to the letter was not respectful, but very much the other way. It seems to me that it was mere burlesque on the part of the Inspector to write a letter to a gentleman who was at that time several thousand miles away, a fact which the Inspector must have known. My hon. friend from New Westminster is not a very small or insignificant man, and Mr. Moylan who went to New Westminster to investigate the charges made by the hon. gentleman, must have known before he was in that town a week, that the hon. gentleman was not there; and consequently I must look upon the writing of that letter as a sham. Perhaps that is not the best word to apply to it; but it was worse than an unmeaning act. He refers to the statement made—by the way it was not made as he states it—by the hon. gentleman from New Westminster, that abuses and irregularities existed in this penitentiary. The statement made by the hon. gentleman, as he has explained, was that it was rumored that irregularities existed.

HON. MR. ABBOTT—Great irregularities.

HON. MR. POWER—Reading what I have read just now, I as one—and I think I am fairly disinterested, and certainly not in an excited condition, and never have been in connection with this matter—I should think that Mr. Moylan referred to the hon. gentleman from New Westminster. Then, one of the accusers being several thousands of miles away, the Inspector being about to hold his court, wrote a letter to the other accusers, the Kennedy Bros., publishers of the *British Columbian* newspaper. In that he said:

"I am further informed that in another issue of your journal the general statement made by Senator McInnes last Session in the Senate, as to the existence of abuses and irregularities in this penitentiary was endorsed."

Now, the hon. leader of the House says that there were very gross and outrageous statements made in the newspaper as compared with the very mild statement made by our colleague. I have read the article given in the newspaper as reproduced, and I do not find that any stronger statement was made by the newspaper than by the Senator. The newspaper says that if half the stories told about the penitentiary are true an investigation is urgently demanded. That is not putting the matter much stronger than it was put here. I do not think that the hon. gentleman from New Westminister, when he said that all the questions related to himself meant exactly that; what I understod him to mean at the time was that every witness was asked questions with respect to himself. I find that such questions were put to the Warden, the Deputy Warden, the Protestant Chaplain, the Steward, Keeper Fitzgerald; and then, as the hon. gentleman has just said, when the Inspector undertook to shorten the enquiry there were no questions about the Senator in the short examinations; but a little further on we find that our colleague comes up again. Questions concerning him were put to the Catholic Chaplain, the Accountant, the Bishop of New Westminister, and the Physician. I do not see any reason why the name of the Senator should have been mentioned at all. The question was whether the facts existed, and I think that it was in exceedingly bad taste at least for the Inspector to refer to statements made here in the Senate, and ask those witnesses whether those statements were true. He might have stated the facts, quoted the allegations if he pleased, and asked if those statements were true.

AN HON. GENTLEMAN.—They were the accused parties.

HON. MR. POWER,—Supposing they were the accused parties, they were asked

to come forward and state whether the allegations were true. I call the attention of the leader of the House to a statement which seems to have escaped his usually keen eye: while he has given the House to understand that it was the charges made by the *British Columbian* newspaper, and not the charges made by the honorable member from New Westminister that were being investigated, we find all through the examination that there is not a word, so far as I can see, except one allusion, said of charges published by the *British Columbian.*

HON. MR. ABBOTT.—While the *British Columbian* newspaper is not mentioned, the bulk of the questions relate to the charges made by the *British Columbian.*

HON. MR. POWER. The question relates to the two charges, which were in fact identical, but they were always fixed on the Senator, not on the newspaper. I do not think that I am given to special pleading; and I think I have looked at this whole matter in a fair and direct manner, and the impression made on my own mind—and I think it is the impression that will be borne to the mind of any unprejudiced person reading this report—is that Inspector Moylan intended his language to apply to the hon. gentleman from British Columbia. Whatever he may say now, that the matter has come up in Parliament, at the time that that report was written, I think it is perfectly clear that he referred to the hon. Senator from British Columbia. As I have said, I think the leader of the House was perfectly right in stating that we are not called upon to investigate the condition of the penitentiary. I hope the institution is everything that it should be; but it is perfectly clear that the language used in the Inspector's report is calculated to lower our colleague from British Columbia in the opinion of this House and of the public, that is, if they look at the whole thing as the Inspector of penitentiaries does. There is this further point: Hon. gentlemen will remember that a great deal of the time of this House was taken up on a previous occasion in dealing with language used by this same Inspector of penitentiaries with regard to another very prominent member of this House. Hon. gentlemen must all see how wise and good a rule it is that members of Parliament shall not be attacked, at least in official reports, for the way in which they have done what they believe to be their duty by the country on the floor of Parliament; and I think that it is a most unfortunate thing that this Inspector of penitentiaries appears to find it very difficult to write a report during these later years without saying something that, whether he means it or not, will be taken by ordinary people to reflect seriously upon members who have thought it their duty to call attention to what they believe to be irregularities in the penitentiaries of which he is merely supervisor. I could understand, if the Inspector was the man conducting the penitentiaries, that he should be very sensitive on the subject; but his duty is merely to supervise the work; and in a visit made once a year, where he sees the wardens and other principal officers, he would not necessarily know of all the abuses that might take place; and I do not see that he should fancy that the remarks made in this House are intended as reflections upon him.

Perhaps it is well that this subject has been brought before the House, but I think this practice of bringing a matter up as a question of privilege and then allowing it to drop is unsatisfactory; and I hope some steps will be taken to prevent a repetition of statements of this kind being made in the reports of the Inspector. The attention of Parliament has been directed very fully to the matter to-day, and I presume will continue to be so directed; but I think some resolution should be introduced and some decided action taken by the House, to prevent a repetition, not only of the attacks but of the consumption of large portions of valuable time, and a large space in our printed Debates in dealing with the sayings of the Inspector of penitentiaries.

HON. MR. POIRIER—I would like to give the benefit of the doubt to the Inspector of penitentiaries, but before the question was mentioned at all in the newspapers, or before I knew of any feud existing between my hon. friend and Mr. Moylan, I came to the conclusion that this was a deliberate insult towards our hon. colleague. Some of our employees called my attention to the fact that a member of this House had been grossly insulted by Mr. Moylan. I do not say that it was the intention of Mr. Moylan to

insult the hon. gentleman from New Westminster, but I say that was the impression conveyed to my mind, and that is the general feeling of the House, because a gentlemen who is as experienced as Mr. Moylan is in writing the English language, being an old journalist, it makes the case still worse for him. I do not wish to be hard on Mr. Moylan; on the other hand, I believe that members of Parliament, even of the Senate, whatever may be thought of the Senate as a body, should have freedom to discuss public questions for the benefit of the country without being arraigned by the reports of public officials. I will read one or two of the questions from the report and ask this hon. House if these questions were put with a view of investigating the charges or investigating our hon. colleague here? The questions are in my opinion, to say the least, impertinent:—

"Q. Have you seen the statement made by Dr. MacInnes last Session of Parliament about abuses existing in the penitentiary?—A. I have read it.
"Q. What do you think of it?—A. I think his statement is false."

There is the fact that the conduct of an hon. member of this House is being investigated by these Government employees:—

"Q. Is not this a rather strong word to use?—A. I don't think so; but I think the charge groundless and uncalled for on his part.
Q. Do you not think he made the statement in good faith, and in the public interest?"

This is sufficient, in my opinion, not to have the Government deal harshly with the Inspector, but to have some explicit explanation from him, and if he has anything to say to exculpate himself to give him a chance to do it; but unless that is done I shall continue to entertain the suspicion, that this report is an attack on a member of this House, and I would not, in the interests of freedom of speech and action in Parliament, allow this report to go without having Mr. Moylan explain fully what his intentions were, and if his intentions were not to insult our hon. colleague, to let him say so in an apologetic way.

HON. MR. MCCLELLAN.—I have listened to this discussion and I have read parts of the report referring to this point particularly, and I must say that I have come to the very same conclusion as that mentioned by the last speaker who addressed the House, and the senior member from Halifax. In looking at the reference on the the twenty-fifth page, at the bottom of the page, I find that after referring to the libelous character of the fly sheets that came from Seattle, that matter seems to be then entirely dismissed, and I cannot see any connection with it in the later sentences. Then he goes on to say "a certain individual." He does not say an individual from Seattle, he says:

Certain individuals who were either very credulous or very unfriendly disposed toward the administration of the penitentiary, made grave charges, alleging that serious abuses and irregularities existed.

It does occur to me, on reading the evidence that follows, that these individuals that made these "grave charges" and alleged "serious abuses and irregularities," must either be the newspaper referred to or the hon. Senator from New Westminster.

"These charges were of the vaguest nature, nothing definite follows, and they were advanced in a manner which everyone who appreciates fair play and manliness must stigmatize as dastardly."

This, to my mind, must have referred to some other parties—the Inspector must have had in his mind somebody else besides those two convicts to whom he alludes in the first part of this paragraph, and then he makes a general proposition which seems to be a sort of general saving clause, to protect himself against the accusation of having made a personal reference.

"This is a general proposition without any particular application."

Certainly it seems to me that he meant to attack somebody else besides the parties to whom he formerly referred. That must be apparent to any person who reads this document. Then he proceeds to quote the letter which he sent to the hon. Senator, which was a cowardly sort of thing, as he must have known, as stated by the hon. Senator from Halifax, that Senator McInnes was not then in the country; that he was travelling in Europe. Looking at the matter from this point of view, whatever motive actuated the Inspector in that form of criticism, the Government would do well to instruct this officer—who may be a very efficient officer for all I know—not be so free in making general observations. It strikes me it is not the duty of a public servant who draws a salary from the Government, to moralize on these questions—to write in the abstract on what he thinks they should or

should not do. It strikes me to be more in the line of his duty to report what are the facts connected with his office, and the duties pertaining to his office; not to make these general observations coupled with a saving clause that he does not refer to any particular individual, but generally, and then to go on and point out particular individuals to whom that general reference may apply. I do think this is a practice that should not be permitted by the Government.

HON. MR. SCOTT—My attention was not called to this report until I entered the Chamber to-day, and I only had an opportunity of looking at it while remarks were being made on one side or the other in the House by hon. gentlemen. I regret deeply to have to come to the conclusion that the observations of Mr. Moylan were directly pointed at Senator McInnes. I think anybody who refers to the report, and who reads the manner in which this investigation was carried on can come to no other conclusion. The remarks of the leader of the Government were exceedingly ingenious, and he may have come, and no doubt has come to the conclusion he gave us; but, certainly, with a great deal of friendship for Mr. Moylan, I feel constrained to come to the very opposite conclusion. This Report I find dated on the 20th December, 1889. This investigation was held on the 20th of September. These minutes were made after the investigation was held. It is quite clear to my mind that the purpose of making this investigation was to disapprove of the remarks made by Senator McInnes from his place in Parliament. I do not find in those remarks that there was anything to justify the course pursued by Mr. Moylan. The Senator from New Westminster stated that he might feel it his duty at some future time to formulate some charges. He did not in his observations here make these charges: he simply said that it was a matter of rumor, that a great many charges of irregularities existed. Now, are our mouths to be closed if we hear, on what is considered to be good authority, that a public institution is not being properly managed? If we are to be silent on such subjects, certainly our usefulness as a branch of Parliament is gone. The honorable Senator from New Westminster did not directly make charges; he said that it had come to his knowledge, and that he might find it his duty on some future occasion to formulate those charges. On that mere presumption that there were irregularities, this investigation, this farce—I stigmatize it as nothing else but a perfect farce, is undertaken. The Inspector goes to New Westminster, and in a small place like that it would be know to everybody that Senator McInnes was in Europe, yet in his absence, before the charges are made, the officials against whom the accusations are supposed to be, the Warden and Deputy-Warden and various officials there, are made the witnesses, and are asked are these charges made by Senator McInnes true. Do hon. gentlemen for one moment say that that is a fair or proper investigation, or one that any official holding the position Mr. Moylan does would be justified in putting into a report? Or that any man would pay the slightest attention to, answers given by officials who, themselves, were on their trial? The accuser was not there. He had not made his charges; he had not stated definitely what they were. He did not propose to do it, because he said distinctly in his remarks in this House that he might find it his duty to formulate charges: yet in the absence of charges, the gentlemen whose conduct is supposed to be attacked are brought forward, and they are asked if they read the charges of Senator McInnes, and the word "abuses" is introduced, though not used by Senator McInnes at all. I think it is a perfect farce. I wish I could draw the conclusion that the leader of the Government drew, that Mr. Moylan never intended these observations for Senator McInnes; but I feel constrained to come to the very opposite conclusion. I think it is not possible for any gentleman to read the report of that investigation carefully and come to a different conclusion. I do not hesitate to say that the leading paragraphs—the important paragraphs in every one of those investigations was "Did you read the remarks of Senator McInnes in the Senate of Canada? Was there any justification for those remarks?" That is the whole gravamen of the testimony. Some 18 witnesses are called, who are asked the stereotyped questions: "How long have you been in the service? Do you know anything wrong in this institution? Do you know of any abuses or ir-

regularities in the administration on the part of any of its officers?" Is that a proper mode of investigating any charge? Our Assize Court opens here to-morrow, and if our prisoners were brought up and tried in the same manner as these officials were tried, examined as witnesses on their own behalf, would not the Assize Court be hissed for a trial of that sort? The accused are brought forward in the absence of the accuser and asked those questions. I feel exceedingly sorry to have to make those observations, but I feel constrained to do so on behalf of my hon. friend who has been so unwarrantably attacked. I say that a public official has no business to draw conclusions; he has no right to make deductions. He has simply to report facts and we are here to judge of the deductions to be drawn from them. I think the Government ought not to permit honorable gentlemen here to be exposed to attack through the official blue-books of the country. The trouble with Mr. Moylan is, he is afflicted with *cacaothes scribendi;* it is as plain as day. Does not Mr. Moylan speak of a privileged person, one whom he cannot attack on equal grounds. Who is a privileged person in this country? It is not the press! It is not either of the two convicts: it must be some one within the walls of Parliament. Is not that enough of itself? If there were no other sentence used does it not make it perfectly clear that no other person but the hon. gentleman from New Westminister was attacked in that blue-book?

Hon. Mr. MASSON—The Leader of the Government must by this time be fully convinced of this fact, that a great many members of this House who have no interest in the matter understand the report of Mr. Moylan exactly as the hon. gentleman from Lanaudière has understood it. If many members have understood the report in that way, it must have struck the mind of Mr. Moylan himself, in writing the report, that such an interpretation might be put on the report he was making, especially as it is well known that it is not the first time we have heard of Mr. Moylan in this House. There is no public officer in the country who has been heard so much of as Mr. Moylan. I do not wish to say a disagreeable word of him, but I must say to the Government it is exceedingly important that there should be an end to this—that Mr. Moylan should be lead to understand that members of Parliament are independent of and superior to him—that he is not to be allowed with impunity to resent any attack made against him provided the charges are made in Parliament in a proper manner, and committees can be asked for. I think a great evil is the source of all this. It was touched upon a few years ago, and I take the liberty of referring to it again. Independent of the position and temper and character of Mr. Moylan, I think the system is a bad one. Mr. Moylan should not be left to conduct the affairs of the penitentaries without some supervision; there should be a board to supervise him. Mr. Moylan, in every case where there has been an enquiry into the management of these institutions has always been accuser and judge, and has always conducted the investigation as he chose. He did it at St. Vincent de Paul, and I ask the Government would it not be better to give Mr. Moylan another position more in accord with his temper and disposition or to appoint a board who can have supervision over the peculiarities of the Inspector of penitentaries? Mr. Moylan's name has been brought very often before Parliament and I would suggest respectfully to the Government that some means ought to be adopted to put a stop to it. I wish I could understand the report exactly as the hon. leader of the Government understood it, but I must interpret it as a slight upon the hon. gentleman from British Columbia, and I think the Minister is wrong when he says he has nothing to do with the animus of the party inculpated. In the courts, the animus of a party in a cause is always taken into consideration. If an animus exists you may be able thereby to judge of the value of evidence.

Hon. Mr. BELLEROSE—I give notice that I will move on Wednesday next that Mr. Moylan be brought before the Bar of the House to answer to the charge made against him of insulting Senator McInnes.

BILLS INTRODUCED.

Bill (133) "An Act further to amend the Act respecting Inland Revenue, Chap. 35 of the Revised Statutes." (Mr. Abbott.)

Bill (130) "An Act to amend the Interpretation Act." (Mr. Abbott.)

Bill (125) "An Act respecting the Grand Trunk Railway of Canada." (Mr. Ogilvie.)

Bill (124) "An Act respecting H. H. Vivian Co. (Limited.)" (Mr. MacInnes, Burlington.)

The Senate adjourned at 6.05 p.m.

THE SENATE.

Ottawa, Tuesday, April 22nd, 1890.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

THE BRITISH COLUMBIA PENITENTIARY.

MOTION.

HON. MR. MACINNES (B.C). 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 House copies of all correspondence between the Minister or Deputy Minister of Justice, Inspector Moylan, or any official in connection with the Department of Justice, and the Warden, Deputy Warden, or any other official of the British Columbia Penitentiary, relating to the dismissal of John Wiggins, lately a guard in the aforesaid Penitentiary.

The motion was agreed to.

THE NEWFOUNDLAND FISHERIES.

ENQUIRY.

HON. MR. KAULBACH—I would ask the indulgence of the House while I call attention to an important matter affecting the fishing interests of the Maritime Provinces. I may be excused for doing this without notice, because it is a matter of vast importance to the Lower Provinces—I refer to the Act passed by the Government of Newfoundland within the last few days in regard to the charging of a license of $1.00 per ton on all foreign fishing vessels every time they enter a harbor of the Colony to purchase bait. As soon as I heard of this last week, I immediately went to the Department of Fisheries. I believe the matter has been brought to the notice of the Government recently, and I presume some action has been taken. Not being quite familiar with what the Act was at the time, I could not take further steps to inform the Government as regards the position of affairs. Since then, by telegrams and letters from the Port of Lunenburg, and especially from the mayor of the place, the matter has been brought very prominently before me, and they look upon it as meaning blue ruin to the fishing industry, and without any warning being given to them of the imposition of this license fee. From what information I have, the fee is imposed on all fereign vessels—a license fee of $1.00 per ton on every vessel entering a Newfoundland harbor to purchase bait. This does not include the light duties and other charges to which they are subjected. There are at present, lying in the harbor of Lunenburg, some eighty fishing vessels, and the fishermen feel very much exercised over this Newfoundland legislation which they think means destruction to the fishing interest. No doubt the Government will take this matter into consideration and use all its influence with the Newfoundland and British Governments, because it affects all vessels fishing in those waters. Another matter which may work adversely to us and favorably to the Americans is this: the Government propose to renew the *modus vivendi*. Under that arrangement American vessels can get their bait without paying a license fee, while our vessels which go in to purchase bait four or five times every year, would be subject to this enormous fee of $1 per ton every time they enter a harbor. It means to vessels of our class, with a tonnage of about 90 tons, an annual tax of four or five hundred dollars. In the case of the Port of Lunenburg it would amount to $25,000 or $30,000 a year. We know from our experience of the last two years that our fisheries have scarcely more than paid, and I hope that the Government will take immediate steps to relieve the anxiety of our fishermen, by securing either the repeal or the modification of this obnoxious tax. I do not see what right the Newfoundland Government have to impose this virtually prohibitory tax on our fishermen. I wish to impress on the leader of the House that if this *modus vivendi* is renewed for another year, as seems to be the intention, the Americans will have an advantage over our fishermen, because they could not be charged this license fee; they would be liable to pay for the license provided for under the *modus vivendi*, for the season, and under that could enter the ports of Newfoundland and buy bait without being subject to any further tax, while our vessels would

have to pay $1 per ton every time they entered a port to purchase bait. I have no doubt that the Government is quite alive to the importance of this matter and will do every thing they can do to relieve the Maratime Provinces of this obnoxious charge, which virtually means prohibition from entering into Newfoundland ports.

HON. MR. ABBOTT—My hon. friend and hon. gentlemen may rest assured that the Government is fully sensible of the importance of the step which, it is reported, the Newfoundland Legislature has taken with regard to taxing fishing vessels, but we have as yet nothing authentic, nothing official on the subject. I think it can be doubted, with some degree of reason, whether the reports which have reached us as to the action of the Newfoundland Legislature are accurate. But be that as it may, the Government immediately on receiving informal information of something which had taken place in Newfoundland are communicating with the Government of that colony and will shortly be made fully aware of all the circumstances connected with this matter. And my hon. friend and this House may rest assured that the Government will take every step in their power to set the matter right, if in reality it turns out that any injustice will be caused to Canadian fishermen. Of course, my hon. friend knows that we have no control over Newfoundland, but we can probably exercise legitimate influence there and elsewhere in order to prevent an injustice to our people.

NAVIGATION OF THE FRASER RIVER.

ENQUIRY.

HON. MR. MACINNES — Before the orders of the day are called I wish to ask the Minister if he would furnish me with a copy of the correspondence between the Government of the Dominion and the British Columbia Government, respecting the destruction of property and the navigation of the Fraser River, in the settlements of Sumas and Chillewack without giving the usual notice? I understood the hon. gentleman the other day to say that the Government had received a communication from the British Columbia Government, and if he will furnish me with a copy of it without moving for a return in the usual way, I will be obliged to him.

HON. MR. ABBOTT—I cannot promise my hon. friend that I can do so, but I will communicate with the Department and ascertain if there is any objection, and if there is none, I shall have much pleasure in having a copy of it sent down.

DAVID PHILIP CLAPP DIVORCE BILL.

THIRD READING

The order of the day having been called for, "Consideration of the eleventh report of the Select Committee of Divorce *re* Clapp relief bill."

HON. MR. CLEMOW said: This Bill has been under consideration in this House for a long time. It is one of the first divorce bills that was introduced this Session, and I am sorry that it has been so long delayed, but it was beyond the power of the Committee to report it to the House, at an earlier period of the Session. On this Bill there has been a considerable difference of opinion respecting the evidence and the statements in the preamble. I am desirous of hearing the arguments on behalf of the respondent as well as the petitioner, as I have not made up my own mind on the question, and I think it will be my duty to present the opinion of the solicitor for the petitioner on this matter, and then allow hon. gentlemen to judge whether this report should pass or not. The opinion of the solicitor is as follows:—

RE CLAPP DIVORCE.

"The grounds upon which relief is sought are that the respondent committed adultery with F. W. Pingle in Palmerston, Ont., and in Detroit; also that she committed adultery with one P. L. Dorland in Detroit and that she led an irregular life generally.

"Petitioner's evidence from page 1 to page 12 shows that before she deserted him, his wife persisted in running after Pingle contrary to his (the husband's) wishes—this is fully admitted by respondent in her cross-examination on page 37.

"Both parties admit one act of physical violence but as it occurred on the 2nd February and the wife deserted her husband on 16th March—fully six weeks after—it cannot be regarded as having any bearing upon the subsequent relation of the parties—it was no doubt the outcome of her defiance of her husband's wishes in respect to her abandoning Pingle.

"The evidence in proof of her adultery with Pingle is both circumstantial and direct, notwithstanding her denial of her guilt.

"(1) As to the adultery at Palmerston (page 13) there is the suspicious circumstance of her meeting Pingle by appointment at nine o'clock at night in a room off which was a bed-room which she had engaged early in the evening soon after her arrival at the hotel. Then we have the evidence of the two witnesses McKenzie and Watt (pages 13 to 18) which shows that they then had their suspicions that Pingle

was in the bed-room with her. They both admit hearing a man's voice in her room. Early next morning they saw Pingle coming down stairs.

HON. MR. MACINNES—Allow me to ask the hon. gentleman if this is his own speech he is reading.

HON. MR. CLEMOW—No, it is the opinion of the Counsel for the petitioner.

HON. MR. MACINNES (B.C.)—I submit that the House should not be prejudiced by the opinions of Counsel for either petitioner or defendant. Every hon. gentleman has been supplied with a copy of the evidence and doubtless has read it, and it is for them to come to an opinion without being influenced with what the Counsel have stated at the trial or have since written.

HON. MR. POWER—I understand the hon. gentleman has raised a question of order?

HON. MR. MACINNES—Certainly.

HON. MR. POWER—As one member of the House, I do not think the point of order is well taken. The hon. gentleman from Ottawa is the promoter of the Bill and if he chooses to submit to the House the arguments of Counsel for the Bill, I do not know but it is within his right. He can make those arguments his own if he chooses to do so, and will be within his right.

HON. MR. KAULBACH—The trouble is he is not making it his own; he is troubling the House with a brief or factum of one of the parties to this cause.

HON. MR. CLEMOW—I have told the House that inasmuch as I have not made up my mind on this case I desired to hear the opinion of both parties.

HON. MR. ABBOTT—I think my hon. friend from British Columbia is somewhat hypercritical. It is a common thing for members of this House to make a speech on a subject, and in that speech to cite the opinions of others in support of their views. My hon. friend from British Columbia has on a recent occasion stated the opinions of a large number of statesmen in the United States as to what we shall do in this country, and I do not see, if the hon. gentleman from Ottawa chooses to interpolate in his speech a citation from the opinion or speech of anybody else, that he is not perfectly within the rule.

HON. MR. MACINNES—Can the hon. gentleman name one case in which I did it?

HON. MR. ABBOTT—I have named one case in which my hon. friend in support of his views cited a large number of quotations from the opinions of gentlemen on the other side of the line about the affairs of this country, and I see no reason why my hon. friend from Ottawa should not cite the opinions of anybody he pleases if they are pertinent to the particular case, and if he chooses to make an argument in that form.

HON. MR. MACINNES (B.C.)—The hon. gentleman will see the difference. The hon. member from Ottawa rises in his place and says he has no opinion of his own on this case, and that he is not supporting the Bill. If he had made a speech in support of the Bill, and then quoted the argument of counsel, I could see the force of it. But he is merely moving the adoption of the report of the committee, and proceeds, without saying whether he endorses it or not, to give an opinion of the counsel for the petitioner. There is all the difference in the world between that and the instance that the hon. gentleman cites of my reading extracts from American newspapers, in support of his case.

HON. MR. HOWLAN—There is no question at all that in the freedom of a debate any gentleman in the House can adduce whatever opinions he may think fit pro or con. If not we would be tied up altogether to our own particular views. It is not to be supposed that my hon. friend who is not a lawyer, can himself give us a legal opinion; therefore he gives the opinion of a lawyer, and he may give it for or against the case, as he thinks fit.

HON. MR. KAULBACH—Each member of the House, very likely, had the opinion of that lawyer before the Senate met to-day.

HON. MR. FLINT—I think it is only fair, if this opinion is to be laid before the Senate, that the opposite party should also have an opportunity of having the opinion of their attorney laid before us, so that we shall have both sides of the question. It is well known that lawyers differ in their

opinions, especially if their fees differ, and they are well paid for differing.

HON. MR. CLEMOW—As I had not made up my mind in this case, I thought it fair to all parties that I should read the opinion of the solicitor, and I shall continue from where I was interrupted :—

"All this is fully confirmed by the evidence of Pingle himself (pages 62 to 68) in which he confesses to having committed adultery with her on that occasion.

"(2.) As to respondent's adultery with Pingle, in Detroit, her evidence (page 42) as well as Pingle's (page 67) shows that within two days after her guilt at Palmerston, she took him to Detroit and kept him in her house for two or three weeks. He admits his sexual intimacy with her there, although she denies it. Her own letters to him printed on pages 75 and 76 virtually prove the case against her. No woman would write such letters unless she had arrived at the condition of having criminal intimacy with the man to whom they were written.

"As to the charge of adultery with Dorland, the evidence is contradictory, but an analysis of the evi-evidence of both Mrs. Clapp and Dorland will disclose the fact that neither agree as to the number of times they met. The evidence of the detective, Tucker, (page 57) contradicts both as to their meetings, and shows that they were seen entering a place of bad reputation.

"The evidence of Mrs. Roehrig (pages 18 to 24) is clear and distinct as to respondent's specific acts of adultery with Dorland. The guilt is denied, but there is no evidence that Mrs. Roehrig was not to be believed—on the contrary, the only witness (Dorland) who knew her, says on page 52, that he cannot say anything against her.

"Petitioner, in his evidence on page 5, says he charged respondent with having committed adultery with certain parties he named. Respondent did not then deny these charges, nor did she do so in her evidence before the Committee. Taking this fact with respondent's own admission on page 42-43, of having gone to Sandusky for a week as a dining-room girl (a circumstance not compatible with her story as to her life in Detroit) there is a strong presumptive evidencethat these charges by the husband were true.

"It is submitted that even if respondent receives the benefit of any doubt that may exist as to her guilt with Dorland, the evidence of her adultery with Pingle is overwhelmingly sufficient to warrant the passing of the Bill for the relief of her husband."

Now, I shall await the arguments of other hon. gentlemen before declaring one way or another. It is owing to my inability to form an opinion on this evidence, contradictory as it is, that I have taken this course with reference to it. I am in the unfortunate position of being the party who introduced the Bill and I desire to see justice done in the matter; but I shall take good care in future not to introduce any Bill without first knowing the circumstances, for it is a rather uncomfortable position to have charge of a Bill and not be able to give it an unhestiating support.

HON. MR. READ (Quinte)—Before this Report is concurred in, as one of the Committee who heard the evidence, I think I am called upon to say a few words. The evidence is very voluminous, and perhaps has not been carefully read by all the members of this House. These parties were married in 1870. They lived together for 17 years, and during that time there seems to have been some little difficulties between them, and about the end of the 17th year they parted. It appears that during that time there were domestic differences between them, and in one or two instances there was some violence used. At all events, after a time, Mrs. Clapp appears to have made up her mind to leave her husband, and the reason she gives is his acts of violence upon her. One can understand that a woman, leaving her comfortable home, would not do so without some cause. Why would she have gone forth into the world to make a living for herself when she had a husband able, and, it appeared, up to that time, willing to support her and her family in rather comfortable circumstances? She took quite a time to make up her mind about it—at least, she said she made up her mind pretty early, but it was some six weeks afterwards that she left her home. In leaving her home she had naturally to make a living somewhere. She had some little means from her father about that time, and according to the evidence it was not long before it was gone. It is quite evident that both parties are desirous of obtaining divorce. Mrs. Clapp attempted to take proceedings to get a divorce from her husband after she left him. Mr. Clapp has taken proceedings to get a divorce also; but it appears that Mrs. Clapp is not desirous to have him obtain a divorce upon the ground that she has been guilty of adultery, which is the only ground upon which, she understands, he can obtain a divorce from this Parliament. It does not appear that either of them is very rich, and we all know that bringing or defending a suit of this kind is rather an expensive luxury. Mr. Clapp, to prove his case, brings witnesses here, and the evidence is so contradictory on both sides that it is really hard to make up one's mind where the truth exists. As there is such a conflict of testimony, I have made up my mind to give the benefit of the doubt to the respondent. The petitioner has brought witnesses here who, in my opinion, might better have stayed away.

He brings a Mrs. Roehig, who says that on two consecutive days she saw something take place that it would be very hard to make me believe did take place. She is asked:—"If they had legal business with them, you would not be surprised at that would you? A.—No; there were lots of ladies coming and going all the time."

Now, the first day that this impropriety was alleged to have taken place, was Decoration day. This lady had gone into the office at 11 o'clock when Mr. Dorland and his partner were there. At about 2 o'clock this witness says she saw something improper taking place in the room. She saw it by looking through the slit in the door through which letters are dropped. Does anyone believe that such a thing would happen on the floor of the office at an hour of the day when people might be calling at any time on business? I could not conceive it possible that the most abandoned prostitute, and the most degraded man could be guilty of such conduct. It is so improbable that I must either believe that the witness did not see what she describes, or that she was mistaken as to the identity of the woman. Dorland says nothing of the kind ever took place, and that the only occasions on which the respondent had called to consult him were in the previous year, when she asked him for advice about getting a divorce from her husband. But Mrs. Roehrig swears that the next day, the one following Decoration day, she saw Dorland and the respondent repeating the impropriety. I think she said the occurrence took place about 2 o'clock in the afternoon in business hours. Soon afterwards Mr. Powell, Dorland's partner, entered his office and she went and told him what she had seen. I cannot believe a word of that evidence. I know that animal passions are strong, but if those people were inclined to do evil, they had other and better opportunities to meet. Mr. Dorland, who appears to be a respectable man, is a Canadian by birth. He comes from Prince Edward County, where Mrs. Clapp and her husband resided at the time of their marriage. Dorland was a lawyer for five years in Detroit, but was obliged by ill health to change his occupation. He lives in Chicago when he is not travelling, and he came all the way to Ottawa to give evidence. We could not have compelled him to come; he came voluntarily to deny on oath the statements made by Mrs. Roehrig. Both the respondent and Dorland flatly contradict the evidence of Mrs. Roebrig and the detective, and, therefore, so far as the Detroit witnesses are concerned, nothing has been shown to justify this House in granting Mrs. Clapp the relief she seeks. We now come to the evidence of Pingle, a drunken character, who by his own admission, was an impecunious, worthless fellow. Mr. Clapp seems to have purchased his evidence, because he admits that when he told Mr. Clapp that he had debauched his wife, he slipped $10 into his hand. But that was not sufficient; he wanted money after that and once or twice afterwards received further sums. He was not sober when he was giving his evidence here, and though he was sharp and smart in answering questions, he was not a man that one would readily believe. He does swear that he had criminal intimacy with the respondent at Palmerston and at Detroit also. If you believe him, of course the petitioner is entitled to relief; but I for one do not believe him. There are some letters written by the respondent which have a suspicious aspect, but it must be borne in mind that she was a musical crank and that Pingle and Miss McKenzie were also musical cranks. It is shown that when the respondent was earning a small pittance in Detroit, she was trying to save enough money to get a piano, for which she was to pay $3 a week. She was willing to deny herself food and clothing in order to have music. Pingle, so far as I can see, is a man who would do anything for a glass of whiskey; it appears to be his failing. Two weeks before he was examined here, his medical adviser said he could not leave his room for seven weeks, yet he could come here and give evidence. One would think that a man who was not utterly degraded, would at least have kept out of the way, if he had been guilty of improper conduct with this woman, and would not have been so anxious to come here and give evidence against his partner in guilt.

HON. MR. DEVER—For $10.

HON. MR. READ—He got more than that. He got money from time to time, according to his evidence. These, among other things, have led me to decide that I shall give my vote against this Bill.

There are suspicious circumstances, things were done by Mrs. Clapp that should not have occurred, but anyone who heard her evidence must admit that it was given in a plain, straightforward manner. I am sure that every lawyer in this House who heard her will confirm what I say. From the evidence, I shall give my vote against the Bill.

HON. MR. DICKEY—I can well imagine that those who have not heard the evidence will be placed at a great disadvantage in considering the case, so much depends upon the manner in which the evidence was given and the collateral circumstances connected with the testimony which must be unknown to all who were not in the committee room when the case was under consideration. In this connection, I may be permitted to offer a suggestion which I have made before, under similar circumstances. This is a case of very great difficulty, involving the most conflicting circumstances, and I think I could not do better than repeat the suggestion—that is that the Government should establish a court for the consideration of these cases, thus relieving gentlemen who have had the opportunity of hearing the evidence but who are called upon to consider such cases, from the duty of deciding upon them. This is a case involving contradictions such as, in my somewhat limited experience, I have never encountered in any similar case of divorce. It is well known that in the Maritime Provinces there are divorce courts, and so far as my recollection carries me, we have never had a single divorce case from those Provinces. Such matters are settled quietly without the display which necessarily accompanies them in this House. I assume that every member who represents the Province of Quebec in the Senate is perfectly satisfied with the law as it stands now, which gives a limited jurisdiction to the courts of that Province to try these cases under certain circumstances. Practically, therefore, all the cases come from the single Province of Ontario. I really do not see, without creating a divorce court for the Dominion, why a court for the trial of such cases is not established in the Province of Ontario. Such a court might be established by the legislature of that Province, but it is my duty to remind the House that this Parliament has the power of creating a court for the trial of cases arising on any subject which is within its view. By section 101 of the British North America Act, there is an express provision that this Parliament has the power to create a court for the purpose of trying any cases which properly come within the purview of the powers of this Parliament, and this is one of them. I do not wish to enlarge on the subject, but I throw out the suggestion for the consideration of the leader of the Government. This case, unfortunately, is a most embarassing one—it is full of difficulties. Having had the misfortune to be obliged to be present and hear the whole of these nauseous details, and hear as well the arguments of counsel on both sides, I come to the consideration of the case with a full sense of the difficulties that present themselves to one on the very threshold. That this is the case, is certainly not my fault, or the fault of members of this House, or of the hon. gentleman who asks them to pass on it, and who tells us, in a manner that is creditable to his head and his heart, that he has not yet made up his mind on it. I hope we will all come to the consideration of the case with a grave sense of the responsibility which rests upon us under the circumstances. If we find any difficulty in coming to a judgement in this case, it certainly is not our fault. Having adverted to my hon. friend, the promoter of the Bill, I am bound to say one word as to an opinion that he has read, which he carefully guards himself against adopting by stating to the House that it is not his opinion that he is reading, but the opinion of the solicitor for one of these parties. I am not aware whether my hon. friend, who opposes this motion, has provided himself with equal ammunition in the shape of a legal opinion from the other side, but perhaps we can dispose of this matter without reference to those opinions. It is unfortunate, in that opinion which my hon. friend has read, that it is stated as one strong fact in the case that the voice of a man was heard in the room where the parties were together in the village hotel at Palmerston. So far as my memory goes, there is nothing in the evidence to warrant any such assertion. So far as I can see there is nothing in the printed evidence to shew it, because there were three persons who spoke of what took place in that room, one, at page 13, in the evidence young McKenzie, who

drove the respondent to Palmerston, speaks of what happened when he went to the room in the hotel where Mrs. Clapp lodged. He is asked :—

"Q. Did you see Pingle in the room? A. No. Q. Did you hear his voice? A. I heard voices before I came to the door. Q. Did you recognize any of the voices? A. Not at that time."

That is what he says. The next witness, Watt, the son of the propriotor of the hotel, states that he did not recognize the voices. There is not a word about a man being in the room.

HON. MR. LOUGHEED—Look at the last question on page 15 of the evidence.

HON. MR. DICKEY—Here it is: "Q. Did you here a man's voice?—A. Yes." He had previously stated that he could not tell what the voices were. He certainly could not tell whether it was Pingle's voice or not. This case is narrowed down to these two points, the alleged adultery in the office of this man Dorland, in Detroit, and what took place at Palmerston, as to which I have now been alluding. With regard to the first, it is perfectly clear, I think—I do not wish to take the same line as my hon. friend who has just spoken on the subject—that whatever took place it has been distinctly contradicted by the person who was said to have committed this offence, and it has been distinctly contradicted by Mrs. Clapp also. We have, therefore, the oath of two witnesses against one. In regard to the other case at Palmerston, there is only this inferential evidence, that Pingle was in the room with Mrs. Clapp there. He may have been in the room; he was playing music there in the evening, and his voice might have been heard in the parlor. That charge, again, is distinctly contradicted by Mrs. Clapp, and I must confirm, as chairman of the committee, what my hon. friend has stated as regards the bearing and manner of Mrs. Clapp which I am bound to say was all that could be desired in a witness. I never heard more frank and candid evidence given than we had during the three or four days of torture to which this woman was subjected; I never saw a lady conduct herself with greater propriety than she did. The case is narrowed down to these two points, and submitted to us under these circumstances. It is a case bristling with contradiction from beginning to end. If the House pass the bill, they are obliged to adopt the evidence of the petitioner and to rejct the evidence of those who have come here to swear to their own innocence. Under the circumstances, what is the duty of the House? I wish to call the particular attention of the Senate to what really is their duty in this matter and what is the guiding star which we have before us in regard to this evidence. We have it laid down in the rules of the House. Rule Q.—"The rules of evidence in force in Canada in respect to indictable offences, subject to the provisions of these rules applying to proceedings before the said committee, shall be observed in all questions of fact." The rule in criminal cases—and what is the rule in criminal cases? It is that the charge must be made out clearly, so as to leave no room for any reasonable doubt, and the axiom has become a proverb that it is far better that nineteen guilty men shall escape than that one innocent person shall be found guilty. Under these circumstances, I feel constrained to ask myself how can I conscientiously decide that that woman was guilty? I cannot. I am bound by this rule of evidence, which is here for our guidance, to give her the benefit of the doubt, unless the evidence is so overwhelming that it is beyond any doubt whatever—I am bound to give her the benefit of that doubt, and, therefore, I am constrained to vote against this Bill.

HON. MR. MACDONALD (B.C.) I fully approve of the suggestion made by the hon. gentleman from Amherst about the wisdom of establishing divorce courts for the Provinces that have no such tribunals. Every time that a divorce case comes before us the farce of trying it becomes apparent more and more. Members who do not go into the details of the evidence are often carried away by prejudice. There is a good deal of button-holing in the lobbies, and members have their favorites. Under such circumstances, a judicial opinion is impossible to be arrived at by this House or by any of its committees. With regard to the case itself, I will endeavor to present very briefly the leading facts as they have appeared to me, without taking either one side or the other. First of all, we have the evidence of the petitioner who proves that this woman was fond of concerts and society, and he

had often to reprove her for staying out late and to use force to keep her from going out. We also have evidence to show that she came home frequently late at night accompanied by Pingle. Finally, she left his house and went to Detroit. All that is corroborated by the respondent—that she went out frequently to concerts returning late at night accompanied by Pingle. After a quarrel with her husband, she decided to leave him and in doing so she carried away a quantity of silver and other articles from the house and went to Detroit where she earned her living. After this she invited this man Pingle to meet her at Palmerston, as she says, to consult him about obtaining a divorce from her husband. She gets a young man named MacKenzie to drive her to Palmerston, where she meets Pingle in a hotel, at nine o'clock at night. She states that her intention was to go back to Listowel that night, but that she changed her mind and stopped all night at the hotel. Young MacKenzie went up to the room she occupied to ascertain what she intended to do about going back, and he states that he heard voices in the room. The respondent came out of the room holding the door knob in her hand and talked to him. Having received his orders he went down stairs. The son of the proprietor of the hotel corroborated this evidence. Next morning, about half-past seven, they saw this man Pingle coming down stairs; they had not seen him in the house before that —and did not know that he was there.

HON. MR. ROBITAILLE.—Pingle swears that he slept in the third story of the house.

HON. MR. MACDONALD.—Then the respondent returns to Detroit accompanied by a young women named Mackenzie, and by Pingle. She admits that she took two rooms in Detroit and that she and Bella Mackenzie and Pingle lived there three weeks together. Besides the evidence, we have the letters which she wrote to this man, in which she addresses him as "dear Fred," and in one of which she invites him to come back to Detroit, that there is room for another man if that man be Pingle. Then we have the evidence of Mrs Roehrig who witnessed the offence which took place in Dorland's office on two occasions. That woman's integrity was not called in question in any way except by the accused, Dorland, himself, who said that the offence never took place. Then we have Pingle's evidence of criminal acts taking place at the hotel in Palmerston and afterwards at Detroit. Then the question is asked the respondent "do you believe this man to be a creditable man and worthy of credence," to which she replies I do. This she says even after he had testified against her. She says she did not see this man in Detroit during 1888: we have the evidence of Mrs. Roehrig and the detective that she was frequently seen with Dorland in 1888, so on that point her evidence fails again. Taking all these things together, her own letters of endearment, this appointment with Pingle at the hotel in Palmerston, the circumstances attending her life in Detroit—taking all the circumstances of the case into consideration, what conclusion can you arrive at?

HON. MR. POIRIER—I am not in the habit of taking part in these discussions. In the first place, I am obliged by my religious convictions to always vote against such bills, but in this case, were I a citizen of Chicago and a Protestant, I would take the same view of the case that I take now. I believe that this divorce should not be granted, for many reasons. In the first place there is nothing against this woman except the letters that she wrote. I admit that the letters may be a little spooney, but there is nothing beyond that, and I do not believe in granting a divorce because this woman wrote to the music teacher of her daughters letters which may have been a little soft but in which there is nothing improper. That is, in fact, the only serious evidence, in my opinion, against the respondent. As to the other evidence, I will take the strongest, that of the man Pingle, and I say it is a digrace to have such evidence printed or to attach any importance to it. In any ordinary court of justice I believe Pingle would have been committed for contempt. Not two hours after he gave his evidence he was seen dead drunk in the city, and I believe while he was giving his evidence he was not conscious of what he was saying. Low as he was, he would not have contradicted himself in the way he did if he had been quite sober. He is asked at one part of his examination if he got any money for coming here and he says "No." Then at page 68 he is asked "Who paid your fare?" He answers

"Mr. Clapp"—a bare-faced contradiction. But there is more: that man who pretends to be the paramour of this woman does what not one scoundrel out of a thousand would do—sells the letters that she writes him and makes an admission of the whole affair to her husband for the paltry consideration of $10. Is there any villain who would do that? This is the man whose evidence is the main support of this case. Would it be to our credit to grant a divorce on such evidence? Then we have the evidence of Mrs. Roehrig. We do not know what sort of a woman she was. She may, however, be a street-walker. We know that she was a spy and an eavesdropper. And this is the sort of witness who is brought here to swear against the respondent. On the other hand, Dorland comes here voluntarily and swears that he never had any improper intimacy with the respondent. I ask you, can we, on the face of the evidence of Pingle, grant a divorce to this man and stamp with disgrace this woman who comes to vindicate her character and the character of her children? She came before the committee, not because she wished to prevent the separation—she had already left her husband—but to defend her own reputation. How can we grant a divorce when we have all the allegations on one side contradicted by the evidence of more respectable witnesses on the other side? I hope that the report will not be adopted and that this case will not be allowed to go any further. It has gone far enough already.

HON. MR. LOUGHEED—As a member of the Divorce Committee I take the liberty of making a few remarks relative to the points in question. It will be conceded by hon. gentlemen that if the evidence of the petitioner in this case be accepted by the House with the weight that is usually given to evidence, the relief prayed for will be granted, in other words, if adultery were proved this House would at once grant the Bill. To my mind the question to be considered is whether we are to place reliance upon the evidence of the petitioner or upon the evidence of the respondent. It is also a question, of the weight of evidence, as to whether the evidence preponderates on the side of the petitioner or on the side of the respondent, and, it will be manifest to hon. gentlemen who have read the examination, that in this case there are two classes of evidence, direct and circumstantial evidence. I submit to hon. gentlemen that laying aside all the direct evidence that, has been imported into this case as distinguished from circumstantial evidence, and accepting the circumstantial evidence before us, having regard to the direct evidence that has been given, we can come to no other conclusion than the petitioner clearly establishes a case for which relief should be granted him. Those of us who have perused the evidence know that there are two or three important witnesses who have given evidence which would clearly establish the case, provided you accept their evidence as true. In the first place, on the question of direct evidence we have the statement of this Detroit lady, Mrs. Roehrig, and we have the evidence of Pingle himself. Assuming the evidence of those two parties to be reliable, then we cannot come to any other conclusion but that relief should be granted. Now, concerning that direct evidence, we have to take into consideration whether there are incidental facts, or whether there is circumstantial evidence surrounding the direct facts which would establish clearly to our minds that the evidence given by those two witnesses is to be relied upon. The first evidence which is brought to our consideration in this case is that of Mrs. Roehrig, she states emphatically that she saw a flagrant act of criminal intercourse taking place between the respondent and the co-respondent Dorland. Now certain reflections have been cast upon the evidence of this witness. It is very well for us to talk away the credibility of a witness by coming to certain conclusions without having any basis therefor. The evidence of this woman has not been impeached in the least. There is a rule of evidence, and the hon. gentleman from Amherst has referred to that—and the rules of criminal evidence are important in the consideration of such a case as this, and these rules being imported into this case, it was for the respondent to impeach the evidence of that woman if her evidence was not reliable; but no attempt has been made to impeach this witnesses evidence. I say that no attempt whatever has been made in that direction, and because this woman comes from Detroit to give evidence here, are we to assume that therefore being

a stranger she is not to be relied upon? We know that there is a well established and well defined rule by which this evidence could have been impeached if it is susceptible to impeachment; but no attack was made on the veracity of this woman and we have to accept her evidence as being proved; so I say, under these circumstances, that we should accept that evidence in the absence of anything to assail her veracity.

HON. MR. MCKINDSEY—There is the evidence of the respondent herself and the evidence of Dorland against it.

HON. MR. LOUGHEED—That is, with regard to contradiction, but her veracity was not attacked except by the contradictory evidence put in by the respondent herself and Dorland, as to facts alleged by the latter. Then we find Pingle states under oath that he had criminal intercourse with the respondent. From the way in which hon. gentlemen talk, one would expect that there should walk into that committee room a paragon of chastity, a man against whom you could not point the finger of scorn, or whose character could not be attacked in the slightest degree. A man of this character, a debaucher of women, we do not expect to be brought before the committee as a paragon of virtue. We should very naturally expect that this man would be possessed of all the infirmities of human nature; we would anticipate that he would not be clothed with all the virtues which hon. gentlemen seem to think he should possess before we could believe him. We know very well we would have to accept such a witness knowing well that as to his statements we would have to analyze them very carefully, and give due consideration to any evidence he gave, after having proper regard to his character generally. Assuming that we lay aside the evidence advanced by these two witnesses who deal with direct facts, and taking the circumstantial evidence, what do we find to be the result of the investigation? Taking the first incident, which happened at Listowel, it is alleged that this man Pingle had criminal intercourse with the respondent there. She denies absolutely that there was any man in her room upon the night in question. Keeping this in view, and keeping further in view the disinterested evidence which we have of the witnesses Alex. McKenzie and Thos. Watt, let us see what circumstantial evidence there is to shake this allegation of her's that there was no man in that room with her on the night in question. I will refer hon. gentlemen to pages 13, 14 and 15 of the evidence, especially to the latter part of page 15, where the witness says that he distinctly heard the voice of a man in her room. I refer hon. gentlemen also to the evidence of Thomas Watt pages 16, 17 and 18 in which he corroborates the evidence of the preceding witness McKenzie, in which he states also that he heard the voice of a man in the bed-room and that she carefully kept the door closed so that parties could not look in. Now, taking Pingle's evidence, whether you take it with the other or alone, the voice of a man was heard in her bedroom; we further have Pingle's statement of an act of criminal intercourse having taken place on that occasion. If you do not accept the evidence of Pingle, what are you going to do with the evidence of McKenzie and of Watt in this case? They are clearly disinterested parties.

They had no interest in this matter whatever, I say therefore that their evidence should prevail in this case, and that we must give effect thereto. Now, we find these two men directly contradict the respondent; therefore, I say in view of this contradiction, in view of the fact that they were entirely disinterested we cannot place the reliance upon her evidence that we would otherwise do. Now, let us take the evidence of Dorland. She herself states that in 1888 she never met Dorland, but when she was cross-examined she said that she did meet him once on Michigan Avenue. You will find that this statement is corroborated by Dorland himself, and he swears to the fact that after their interview in the office he never met her on the street but on one occasion. The evidence of the detective, Leary, is put in and he says that he saw them from four to six times on the street. Here is a contradiction of their evidence, and when they are cross-examined and re-examined on this point, respondent and Dorland admit that they met on several occasions, and furthermore the respondent admits that she did go up stairs over a saloon on one occasion to see some friends of hers, the very occasion, I submit, that is referred to by this private detective.

Now, let us take some other circumstances that hinge upon this case. We find this woman living for a period of years with her husband; we find her husband providing her with all the comforts and luxuries that she could well desire. We find her with a family of two daughters, and without any cause whatever deliberately abandoning her home. We find her, against the protests of her husband, arranging different interviews with Pingle; we find her just previous to her abandonment of her home having an interview with him late at night evidently making arrangements to leave her husband. Now, is there a scintilla of evidence before us which would warrant this woman in abandoning her home, her husband and her family? Were the relations between them of such a nature as to warrant the very advanced course taken by her? I submit not. Is her conduct generally, as far as Pingle is concerned, compatible with her innocence? Can you reconcile it with the conduct of a woman who is innocent, chaste, true and loyal to her husband? I say not. We have to take into consideration her meetings with Pingle against her husband's protest; we have to take into consideration this meeting at Palmerston; the fact that this woman went deliberately with him to Detroit, came back to Canada, brought back to Detroit this man Pingle with her; they travelled in the same train, put up together in the same house and, from the evidence before us, there was only one bed in the house for the accommodation of the three parties referred to. Are these circumstances consistent with the innocence of this woman? Can any of us reconcile these facts as being compatible with the chastity, virtue and truth of a loyal woman? I say if there is anything that could stamp this woman as untrue and disloyal to the sanctity of the marriage vow it is the circumstances I have recited. I would now refer hon. gentlemen to some of the letters that have been put in here upon page 75 of the report of the Committee. There appears to have been a correspondence between her and this man Pingle from the time she abandoned her husband up to a very recent date. Will hon. gentlemen look at the latter part of exhibit No. 5, on page 75, and read the portion of the letter I am about to read, and after analyizing it say that they can come to the conclusion that this was a pure and innocent wife:—

"Have you been subpœnaed or had any trouble about anything; Fred., I would rather know the worst, please tell me everything. If you are called on tell the truth, I do not want any one to lie, to shield me."

Taking her own expression for it, to shield her the man had to lie; if he told the truth he would not shield her. That is the purport of the letter:—

"I think Bella's evidence will be a damage to herself more than to me. B. wants to come to Detroit and I told her to come on."

"You told me to trust you in everything, I do. I have implicit trust and confidence in you. If——is getting a divorce it will save me fifty dollars; he will have to hnrry, I have a little the start. I do not care what Bella and everyone else swears to, so long as you stand by me and prove faithful and true."

Is that the language of an innocent woman? Is that the language of a woman clothed in the panophly of virtue and purity? I say not. I assert that guilt is stamped on every letter of it. Look again at exhibit No. 6, on the same page:—

"Fred when are you coming back."

An appeal to this man to come and cohabit with her as he had previously done:

"Fred if you were only here, there is plenty of room for another, even though that other be a man; providing the man be you. But, I don't suppose you will come till you get ready, no matter what I say, but, Fred dear, do not try my patience too much. Fred, I want you back very badly, and why won't you come. Write at once and tell me.

I am, as ever yours,

MAE."

Is that the language of a virtuous wife? Look again at exhibit No. 7:—

"DEAR FRED,—Bella is not here yet, and I am afraid she has not received my letter. I have just finished one to her, and was going to send it to R. J. Wells, Toronto, to post to her, but changed my mind, and will send it to you. I want you to read it, and if it is all right, send it, and if not, destroy it, and let me know your decision."

Then read the latter part:—

"I hope you are keeping sober. Make a desperate effort. I wish you would send me some money. I want a pair of boots very badly. I have had so much to pay for, that I have to do without clothes. Please, Fred dear, write to me as soon as you get this.

"From your own loving,

"MAE.

"P.S.—I will be very anxious to know if you get this."

Would there be an appeal of this kind from this woman to such a man, if she were a virtuous woman? Can you conceive anything consistent with her marriage vows in writing letters of this kind? I now refer hon gentlemen to the next letter exhibit No. 8:—

"Dear Nellie and Florence, God keep you two children and may he protect you and keep you pure

and spotless as you are : be good girls and obey your father, and do as he wants you. You, know, he has always thought I set you up to disobey and deceive him, but God knows I never did disobey and deceive him, but God knows I never did. I can't write a very long letter to you, for it is like tearing my heart out. Look after your pa's welfare and be good to him. I may not see you again for a long time. If your pa is willing I will write once in a while. If not, it must be as he says, and be sure and obey him in everything, and be true to yourselves. Study hard, for you little know what is in store for you. You will always find a true friend in your grandma Mac. Be kind to her when you see her. Now, dear children, I just ask one favor, do not think ill of your mother. I can't write anymore.

"So good bye and may God of Heaven bless you.

"From your very sorrowful

"MOTHER."

If this respondent had not fallen to the depths of guilt would she have written a letter of this kind, would she not have resented the attacks made upon her by her husband, whom, if her contention be correct that she was innocent, she would have condemned; but she speaks in the very highest terms of him in this letter. She speaks of him without casting the slightest reflection on his character, I assert that if he had impeached her character and charged her with being guilty of this crime when she was conscious of her chastity, she would have risen in the majesty of her virtue and protested with just resentment against a charge so baseless and foul. I say that all these circumstances are consistent with the fact that this woman had departed from the sanctity of her marriage vows, and, in my opinion, had the illicit intercourse which is alleged against her here, that the evidence submitted by the petitions should prevail and the relief sought for granted.

HON. MR. MCCALLUM—I will have, no doubt, to record my vote on this question. I have read the evidence, and when I read anything I generally try to understand it and I am not going to be carried away in the vote I am about to give by any special pleading. If this woman was a very bad woman, why did she come from Detroit? Did she come to see this man? What did she come to see him for—a man that is spoken of here to-day as being a drunken loafer? Could she not have got some one else in Detroit to accommodate her, if she was the character we are asked to believe her to be? When we look at the evidence of the woman who swore that she saw something through the slit in the door, we cannot help thinking that she must have been looking for something herself. The man who is charged with having improper relations with this woman comes all they way from Detroit or, I believe from Chicago, to try and clear the character of this woman and his own reputation. They are two against one. The hon. gentleman opposite speaks of the evidence of the woman Roehrig. How can I take it when there is the evidence of two against hers. The hon. gentleman also referred us to the evidence of McKenzie. Let us look at his evidence. If McKenzie thought that this woman was a bad character would he have allowed his sister to go away with her to Detroit? My hon. friend opposite, as lawyers usually do, referred us to the examination on one side, but forgot to give the cross examination of this witness. What does McKenzie say when he is cross-examined? That he saw nothing wrong with this woman. He drove her to Harristown and he saw nothing wrong with her, and allowed his sister to go with her and live with her in Detroit. He is asked :

"Q. You saw no improper conduct on the part of Mrs. Clapp in her driving to this hotel and staying there?—A. No.

"Q. You would hardly have allowed your sister to go in her society if you thought there was anything wrong with her?—A. No.

"Q. Did your sister go to Detroit with her?—A. Yes.

"Q. Did she remain with her in Detroit?—A. No, not to my knowledge.

"Q. Did she return home?—A. She returned home, but I cannot remember how long after.

"Q. Months or weeks?—A. Months.

"Q. She remained in Detroit some months?—A. I do not know whether she remained in Detroit or not.

"Q. Then you saw nothing wrong on that occasion? In other words, would you have allowed your sister to go with any one if you had any doubt about her conduct being good?—A. I have said all I know about it.

"Q. Then you know of nothing that was improper, immoral or wrong—you know of nothing of the kind? A. No."

The young man's evidence was referred to, to prove that this woman is a bad character, yet this is what he says, and he allows his sister to go with her and live with her three months afterwards. As to the man Pingle who can credit him? Just fancy the petitioner going to the man who he charges with having seduced his wife bargaining to bring him here to give evidence and paying him for it. How could any man of proper feeling talk with such a character at all under these circumstances? If he had any feeling of manhood in him he would have sent somebody else. Let

any Senator in this room ask himself what feelings would actuate him against such a man, even if she were a relative and not his wife, that he had led astray as alleged in this case? I do not know what my feelings would be if I were placed in that position, but they certainly would not have been feelings of kindness towards the destroyer of my wife's honor. The letter that this woman writes to her children, is brought up as evidence against her; but nobody can say that it is couched in the language of a bad woman: still is used here against her, though her advice to her children is to obey their father, because they were under his control. Is that such language as should warrant a divorce of this kind? It is not sufficient for me, I want something more substantial than that. I am not going to grant a divorce merely on suspicion. I must have proof, for it is a serious matter that we should prove this woman a harlot and a perjured woman. If she is as bad as she is represented to be would she come here at all to defend her honor? Certainly not; she would say to her husband, "you go your way and I will go mine." She tries to explain her letters—that she wanted to get a divorce from her husband and that she wrote to Pingle and asked him to come to Detroit to assist her in doing so. For my part I shall give her the benefit of the doubt every time.

HON. MR. MCINNES (B.C.)—As a vote is likely to be taken on this report, I desire to place my views on record for opposing the granting of the divorce, but before doing so I must say that I heartily endorse every word that has fallen from the hon. gentleman from Amherst, on the urgent necessity that exists for establishing a court, where cases of this kind can be properly dealt with; and I trust that the hon. gentlemen, old parliamentarian that he is, and a legal luminary, if the Government fails to bring in a bill for that purpose next Session, will introduce a measure himself to carry out the suggestion that he has so ably presented to the House in this debate. I was very much pleased, as we all were, at the eloquent address of our hon. colleague from Calgary. He always puts music into everything that he speaks about in this House. He dealt very largely with the letters of the petitioner, but something has come to my notice within the last couple of hours about those letters that is not referred to in the report, and that I have not heard mentioned in this debate—namely, that there were important erasures made in those letters submitted to the Divorce Committee. The question is, what were these erasures? What were the words? What meaning did they convey? By whom were they made? Were they made by the respondent? Bear in mind that it was not merely the crossing of a pen through the words, but the erasures, I am given to understand by a member of the committee, were made with a knife, completely obliterating the words. Is it reasonable to suppose that the respondent would take such pains to erase these words with a knife? The only inference to be drawn is that these erasures were made by the petitioner, and I am very much surprised indeed that the shrewd lawyers who were on the committee did not sift that matter to the very bottom.

HON. MR. MACDONALD—The hon. gentleman has gone beyond the evidence. There is no evidence of that kind before the House.

HON. MR. MCINNESS (B.C.)—I think I am perfectly within the rules of the House; I am quoting the words made use of by an hon. gentleman from N.B., the hon. Mr. McClellan, and I do not think there is any gentleman in this House who will for a moment doubt his veracity in that or any other statement he makes. That is the most important feature in this report, and I am surprised at hon. gentlemen, members of that committee, reporting to this House, and taking extreme views—being almost the advocates of petitioner without mentioning such a fact. I cannot understand it. It is contrary to a true judicial spirit, and I hope in future if we are to have such cases before us they will be dealt with in a more judicial spirit than they have been in the past. I must confess that the only doubt that I had in my mind at all about Mrs. Clapp's fidelity rested in these letters, but since I heard of these erasures I am bound to say that I have been relieved to a great extent on that point. The hon. gentleman from Monck has just referred to the witness Pingle. I do not think, on careful investigation of the evidence before us, that any unbiassed mind

can place the least credence on his statements. On the contrary, the impression is forced on me that that man was brought here to perjure himself. I cannot conceive of anyone worthy the name of a man or possessed of the true feeling of manhood, injured as Mr. Clapp alleges that he was injured, going to this degraded, drunken creature, and negotiating with him for evidence of the fall and degradation of his wife, himself and children. I say that it is something I cannot understand. I know that my feeling would be, and I believe it would be the feeling of every hon. gentleman present, to draw my pistol or use my cane and brain him on the spot. It is the most revolting thing that I ever heard of in connection with this or any other case. Were it absolutely necessary that this man must go and see Pingle in order to get evidence to sustain his application, probably it would mitigate the offence against humanity and society to a certain extent; but he could have sent a solicitor or an agent who would have served his purpose as well as by degrading himself to the level of the poor wretch whose evidence he was seeking. There is another point to which I wish to draw your attention; here is the lawyer that she consulted about procuring a divorce in the city of Detroit. That feature of the case has been threshed out pretty well, but if you look at the diagram of the room which was occupied by two partners of the law firm, you will find that it was about twenty feet wide and there was ample room on each side of the slit in the door for Dorland and Mrs. Clapp to conceal themselves if they were guilty of any impropriety. They must have been more or less before the slit in the door in order to reveal what Mrs. Roehrig stated she saw there. To say the very least of it, although her evidence was not impeached before the Committee, it appears to me that she was rather a suspicious witness. I cannot understand a modest young girl, as she pretended to be, watching such proceedings, as she speaks of, and going next day and telling the senior member of the law firm what she had seen. It is a most extraordinary circumstance to say the least of it.

Hon. Mr. MacDONALD (B. C.)—She is a married woman.

Hon. Mr. McINNES (B. C.)—She was not a married woman at that time. She was merely a typwriter in the same building; she has been married since. Another thing which I hope you will not forget for a moment, because it is one of the most important of all the facts adduced before that Committe, is this: Mr. Dorland, who is a man of considerable importance appeared to give evidence. So far as I am able to judge he did so without any hope of reward of any kind whatever. If he was guilty of what was alleged, can you imagine that he would come from a foreign country to perjure himself for the sake of the respondent? If he was guilty, I think the chances are 19 out of 20 that he would not have appeared before the Committee. Consequently I attach greater importance to the evidence of this lawyer than to all the other evidence combined. A man must be low indeed in the scale of humanity, must be dead to all sense of honor and shame and fear of a future state, when he will voluntarily, without hope of reward, come from a foreign country and perjure himself in the manner that we are asked to believe he did in this case. I can understand that if he was compelled to come and give evidence there might be some doubt as to his veracity, but he came voluntarily, without hope of reward, and he substantiates every statement made by the respondent. I must accept his evidence in preference to that of all the other witnesses. Besides reading the evidence in this case, I heard a portion of it given in committee. I heard Mrs. Clapp's testimony and I must say that it was the best evidence I ever heard given by any witness. Even when she was pressed by questions that had a tendency to criminate her, she never shrank from them, but answered truthfully and openly, and the impression made upon me was, that, although she was an exceedingly indiscreet woman, and may have been guilty of irregularities, the evidence she gave there was true in every respect. The hon. gentleman from Calgary has referred to the fact that her husband provided her with a good home: he forgot to tell you that her husband also provided her with a good pair of black eyes. His treatment of her certainly was anything but manly, and I believe that in nineteen out of twenty cases where women unfortunately go astray they are, not driven, but certainly assisted in that wrong course by the cold and harsh treatment of their husbands. I shall vote against this Bill.

HON. MR. PROWSE—I certainly agree with the suggestion of the hon. gentleman from Amherst that these cases ought to be relegated to some court rather than to the Senate. I cannot understand why this prolonged and not very entertaining discussion has taken place on the present occasion. As I understand it, the object in appointing a Select Committee to take the evidence and have it printed and placed in the hands of every member, is simply and solely to prevent a public discussion of this kind, and it is not very complimentary to the judgment and good sense of the members of this house when gentlemen rise here and resort to special pleading to urge their views on hon. Senators who have the evidence before them. I shall not discuss the question at all: I have made up my mind, from reading the evidence, how I shall vote, and I think if a division had been taken without discussion it would have been more creditable to the Senate.

HON. MR. REESOR—I am not a member of the Divorce Committee; I had not the advantage of listening to the evidence, but I have taken pains to read the printed evidence over twice and I must say that I have come to the conclusion, after weighing all the points as carefully as I possibly could, judging the evidence as far as possible on its merits, that there is a very serious doubt as to the guilt of the respondent; and I have further come to the conclusion to give my vote in accordance with that conclusion and to give the benefit of the doubt to the respondent. I think the suggestion of the hon. member from Amherst is a most excellent one, and that we ought to have a bill introduced at the next session to provide a divorce court for Ontario. All the other Provinces are provided with such courts, except perhaps Manitoba, and we ought to have one in Ontario to deal with such cases as this.

HON. MR. KAULBACH.—I wish to remove some false impressions that may have been created with regard to the respondent in this case. We are told that she had a comfortable home and was properly treated before she left her husband; that does not appear by the evidence, because she had not been married more than a year when, if she was not turned out of her house, she was told to go to her father with a baby in her arms, and she was only prevented from going there in consequence of the rain. What do we find after that? This man charges her plainly and openly with improper intimacy with several persons. Then, in the month of February, we find him going to her room where she was sleeping with her daughter, sixteen years of age, jumping on the bed and on her, for purposes which she declined to mention, but we understand what they were. Being repulsed, he struck and assaulted her in a manner that left marks on her face. That is the sort of home that he provided for her. She determined that she would stand such treatment no longer, and she left his house, not surreptitiously or clandestinely, but openely. After an absence of some time she returns and gives an account to her husband of where she has been. What does he say? He turns her away. In the evidence that we have before us, up to the time she left her home there is nothing to show that she was guilty of improper conduct. She was fond of music and had gone to Palmerston one evening to a concert and had come home late at night. All that is accounted for, but in no part of the evidence that we have before us is there anything to show, even in the deposition of the man Pingle, that there was any improper conduct between himself and Mrs. Clapp. When she returns home, in 1888, he tells her that he will have nothing more to do with her as his wife; he casts her away. There was not only desertion but cruelty on the part of the husband, and even if she had become an abandoned woman after that, I do not believe that this House would grant the husband a divorce, because he, by his conduct, contributed to his own shame and was a party to the offence. Therefore he could not come in here with clean hands and ask for a divorce. He does not deny that he ill-treated this woman. I now come to the evidence of McKenzie and Watt. McKenzie says that he saw nothing on that occasion in the hotel in Palmerston that would justify the opinion that there was anything improper on the part of Mrs. Clapp; and besides, we know that afterwards he allowed his sister to go to Detroit with her. We have the evidence of Watt to the same effect, and both are contradicted by Pingle, who says that he had a room in the hotel that night. We now come to the evidence of the spy in Detroit. A woman who will condescend to do what she did, to peep through a slit in the door in the

manner that she describes on the two occasions that she has sworn to, would be open to great reproach and a person whose evidence should be suspected. But her evidence is so conclusively contradicted that no reliance can be placed on it. She admits that ladies frequently went to that office. Furthermore, she had not only to stoop down two or three feet to look through the slit, but it was proved that it was covered with a flap, and in order to see what was going on in the room, she must have put her fingers in and moved it aside. Another fact which shows that her evidence is not consistent with the truth is this: she brings here a photograph of Mrs. Clapp, for what purpose I cannot tell, unless she did not know the respondent at all and this was put in her hands in order that she might be able to identify her. It was proved conclusively that the photograph was never taken in that way, that a photograph was taken of Mrs. Clapp and her two children, and that this photograph was prepared by removing the impression of the two children. Mrs. Roehrig's conduct from beginning to end is not of a character which would lead this House to place any reliance on her evidence. A true woman shrinks from any appearance of impropriety. Therefore, I attach no importance to her evidence, even if it stood alone; but it is contradicted by Mrs. Clapp and Mr. Dorland. If Mrs. Clapp was the abandoned woman that she is described, would Mr. Dorland have come here from the United States to perjure himself and shield her? It is the last thing that he would do. The credibility of Dorland is unimpeached. The sincerity of the man brought conviction to the minds of most members of the Committee that he was speaking the truth, and upon his evidence there rested no suspicion of untruthfulness. Then we have Mrs. Clapp brought back and examined, and she contradicts every charge made against her. After she was driven from her home, a detective was employed to follow her, but he gives no evidence that establishes any guilt on her part. He tried to impose on the Committee by saying that he saw Dorland and Mrs. Clapp going up some steps to a door. Mrs. Clapp explained that it was a respectable place where she was visiting, and this man may have gone to the door but never went into the house with her. The detective was paid a sum of money to hound this woman, but he could not prove anything against her—he brings nothing that tells against the character of the respondent. Then we have Pingle's evidence: that any woman would go all the way to Palmerston for the purpose which is charged against her by the petitioner is too absurd to be believed. It cannot be reconciled with common sense. The conduct of Pingle before the Committee, and the manner in which he contradicted himself over and over again, shows that he was not a reliable witness. A man of such a degraded character who would come before the Committee in the state in which he appeared, is the last one that could be believed. No woman would allow herself to be defiled by such a wreck of humanity as Pingle. It is not reasonable to suppose it, and it is not so. My hon. friend from Calgary spoke about the preponderence of evidence. We are not to be governed by that, but, according to the rule of evidence which we have adopted in this House and which has been referred to by the hon. member from Amherst, you are to give the accused the benefit of the doubt, if there is a reasonable doubt. Now is there any certainty about this case? There is no certainty; unless the hon. gentleman possesses powers beyond those with which ordinary mortals are gifted, he cannot come to the conclusion that this case is established beyond a doubt. There is doubt—serious doubt, from the character of the witnesses and the contradictory nature of the evidence. We are dealing with the most sacred relations that exist between man and woman. We are asked to sever the most holy tie that binds them together. We are asked here to stamp with infamy for life the character of this woman; I am sure you will hesitate before doing anything of the kind. You, by your decision to-day can say that there is a reasonable doubt in your minds as regards the guilt of this woman. If you so decide, you do not call this woman an adulteress, or stamp her as a perjurer. On the other hand, if you pass this Bill you not only brand her with infamy, but pronounce her, and those who have given evidence on her side, guilty of perjury. There is an easy way of getting rid of the difficulty in this case, by giving the woman the benefit of the doubt—the reasonable doubt which everyone must admit exists.

The Senate divided on the motion which was rejected by the following vote :—

CONTENTS :

Hon. Messrs.

Almon, Macdonald (B.C.),
Lewin, Merner,
Lougheed, Perley,
McClelan, Prowse.—8.

NON-CONTENTS :

Hon. Messrs.

Abbott, McInnes (N. Westminster),
Archibald, McKay,
Armand, McKindsey,
Baillargeon, MacInnes (Burlington),
Bellerose, Murphy,
Boucherville, de, O'Donohoe,
Chaffers, Pâquet,
De Blois, Pelletier,
Dever, Poirier,
Dickey, Power,
Flint, Reesor,
Girard, Reid (Cariboo),
Haythorne, Robitaille,
Howlan, Ross,
Kaulbach, Stevens,
Masson, Sullivan,
McCallum, Vidal.—35.
McDonald (C.B.),

HON. MR. READ—I would suggest to the leader of the House: would it not be better that this debate should be expunged from the official report? It is not very nice literature to enter on our records.

HON. MR. ALMON—I have the strongest objection to anything of the kind. I voted from conscientious motives in favor of this Bill, and I think many hon. gentlemen on the other side have allowed their feelings to influence them in the vote they gave. I object to the report being suppressed.

HON. MR. READ (Quinté)—You are the only pure minded gentleman in the House.

HON. MR. ALMON—I do not claim anything of the kind, but I am an older man than many in this House, and am not so influenced by feelings of sympathy as younger men are liable to be; therefore I would like to have the vote entered and the report of the debates published.

HON. MR. DICKEY—I presume the hon. gentleman from Quinte means the objectionable features of it should be expunged?

HON. MR. ALMON—We are to answer to the House of Commons for what we have done, and, therefore, they have a right to see our debates.

HON. MR. DICKEY—The fact is, the Bill does not go down out of this House at all. Our vote ends it.

HON. MR. KAULBACH—I may say that I have seldom seen in debates of this kind an instance in which there has been less objectionable language used, but I have no objection to have my remarks expunged. I do not, however, think there is anything in it that would be demoralizing in its tendency.

HON. MR. ABBOTT—Personally I think it would be advantageous to the cause of morality if this kind of debate were not published and circulated ; at the same time I do not know how far the introduction of a precedent which would give to the majority of this House the right to exclude what the minority would say in it, would be safe. That is the one doubt I feel about it, that this rule might be applied to any subject and after a discussion, where the minority were endeavoring to vindicate their rights, the majority might refuse to allow it to go to the public. I agree with the hon. member from Quinté that it would be better to expunge this debate from our report only for establishing the principle that the views of the minority might not be presented to the public on another occasion.

HON. MR. HAYTHORNE—The mere expression of the opinion of the House in this way is not a sufficient direction to the Debates Committee. It seems to me that the proper way is for some hon. member to make a motion, and have the Speaker put it from the chair.

HON. MR. DICKEY—I think the House is ready to take the suggestion of the leader, not to expunge the debate.

HON. MR. BELLEROSE—Could it not be done in some way to show that it is an exceptional case, on account of the subject of the discussion, and that the expunging of this report is not to be taken as a precedent for any other question.

HON. MR. DEVER—What has been said that we need be ashamed of?

HON. MR. ALMON—If the House does not wish any discussion on divorce cases to go into the record, let such debates take place with closed doors: but after the notes have been taken by the reporters and members have given their reasons for voting, it should not be expunged. I am moreover anxious that this debate should

be reported in full, for I am convinced that when the public read the arguments advanced in this case, and see the vote that was given, they will agree with the hon. member from Amherst that the Senate is not the proper tribunal to try divorce cases. I have not said much on this case, because what I intended to say was said in very much better terms than I could do it by the hon. gentleman from Calgary.

HON. MR. REESOR—I am not so sure, but if we refused to publish the debate in the ordinary way, it would give rise to a feeling to have it published outside in a worse way than it will appear in our reports.

HON. MR. McINNES (B.C.)—I agree with the leader of the Government that it would be establishing a dangerous precedent, and if any hon. gentleman, during the discussion, has made use of language that should not appear, it can be toned down. I think that the House will have no objection to that; at the same time, instead of this discussion having a tendency to demoralize the public, I believe it will have a deterent effect on people coming here on such flimsy pretexts for divorce.

HON. MR. DEVER—I think it would be very inconsistent with our action of a few days ago, when the House decided that nothing should be suppressed in the debates, if we should now turn round and ignore the decision we then arrived at. We all favor a full report of the proceedings of this House, and I contend that there was nothing said in this debate that should not have a beneficial effect on the public, for it will show the country that people must not come here with bolstered up cases, and expect to carry a divorce bill through this House.

CANADA TEMPERANCE ACT.

BILL WITHDRAWN.

The order of the day being called for second reading of Bill (A A) "An Act to amend the Canada Temperance Act."

HON. MR. DICKEY said:—A word of explanation is necessary from me for putting this order on the paper, and for the course that I propose to adopt. It is a bill intended to remedy a defect of the revisers in the consolidation of the Canada Temperance Acts some four years ago. It was thought necessary to get an amendment this session, and the Bill for that purpose having been introduced in another place and having been delayed some two months, in consequence of the pressure of other business, the promoter finding that he had only one day more, that is to say yesterday, got the assent of the House to reintroduce it here; but fortunately there was a slide of bills in the other House and a clearance of the order paper which gives us assurance of an early prorogation. Therefore, this bill received the assent of the other House, and I move that the order of the day be discharged.

HON. MR. ABBOTT—I do not think my hon. friend is quite correct in saying that the revisers had made a mistake. I do not think the revisers made any mistake, but a judge, in my hon. friend's Province, thought they had. It amounted to this: They repealed a law which had served its purpose and which was no longer necessary and struck it out of the Statute Books, and the judge down there came to the conclusion that an Act which had been brought into force by that law had ceased to have any force because the Act bringing it into force had been repealed. So, I am inclined to think it was rather a mistake of the judge than of the revisers. But my hon. friend was quite right, when there was a doubt, to bring in the bill, and I should have been glad to give him every assistance in passing it.

HON. MR. DICKEY—Unfortunately the friends of temperance, after the judge had given that decision, thought it was not wise to leave the matter in that position, and, although I was not a supporter of the Canada Temperance Act, I was quite willing that the law of the land should be made plain so that there should be no doubt about it, and I think the temperance people were entitled to that amendment in the law, though I hope the decision of the Supreme Court, if an appeal is made from that judgment, will show that we are correct in the position we take.

SECOND READING.

Bill (125) "An Act respecting the Grand Trunk Railway of Canada (Mr. Ogilvie).

PONTIAC PACIFIC JUNCTION RAILWAY BILL.

COMMONS AMENDMENTS AGREED TO.

HON. MR. VIDAL moved the adoption of the amendments made by the House of Commons to the amendments made by the Senate to Bill (87) "An Act respecting the Pontiac Pacific Junction Railway Company." He said: "This is a very simple amendment, which has been made in the other House. It is entirely in harmony with what was desired to be done by the amendment which we made, but the wording of our amendment suggests a doubt, a very serious one. The words used in our amendment "and the use of the lines of the Company connected therewith," are too general, and would give to the associated company the right to use their line to the extreme end of it, which was not intended, so it was amended by striking out these words and inserting the words "approaches thereto."

The motion was agreed to.

EXCHEQUER COURT BILL.

THIRD READING.

The House resolved itself into a Committee of the whole on Bill (129) "An Act to amend 'The Exchequer Court Act.'"

(In the Committee.)

HON. MR. ABBOTT—This is a very short Bill to regulate the appeal to the Supreme Court from the Exchequer Court, and I would ask that it be passed as it is, with a slight addition in the 22nd line. It is proposed that after the word "attorneys" in the 22nd line the words "or solicitors" be added.

HON. MR. HAYTHORNE from the Committee reported the Bill with an amendment.

The Report was agreed to.

The Bill was then read the third time and passed.

THE CHINAMAN AT NIAGARA.

EXPLANATION.

HON. MR. ABBOTT—I desire to say at this stage, that I obtained to-day the information that I promised yesterday about the Chinaman who was represented as having been retained for three days and starved and frozen on the bridge at Niagara. In point of fact, it appears that this man was engaged in smuggling Chinamen backwards and forwards between the United States and Canada. He arrived on the bridge with two Chinamen at nine o'clock in the morning, and, at first, it was supposed that neither he nor they had any license or permit, or any money, but two of them turned out to have permits or certificates or whatever was needed, and one had not. This one had been living in Toronto for some years. Some discussion took place as to what should be done with him. The two who had permits were allowed to land; the other man was allowed to go back to the United States. He came back after a while but he was not allowed to land without a certificate. After some parley he was relegated to the Customs agent, and allowed to come on shore, where he was well and comfortably cared for and fed until instructions could be got from Ottawa, and upon those instructions being received he was allowed to go where he pleased, and this was all within three or four hours from the time he made his appearance on the bridge. There was no hardship of any description in connection with it. The man was detained only three or four hours.

HON. MR. KAULBACH—Was he sent back over the border again?

HON. MR. ABBOTT—No, he was allowed to go where he pleased. My impression is that he and the other two Chinamen went back to the United States.

BILL INTRODUCED.

Bill (65) "An Act further to amend the Criminal Law—(Mr. Abbott.)

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Wednesday, April 23rd, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

SECOND READING.

Bill (124), "An Act respecting H. H. Vivian Company (limited).—(Mr. MacInnes, Burlington.)

GEORGE T. SMITH, RELIEF BILL.

THIRD READING.

HON. MR. HOWLAN—From the Committee on Standing Orders and Private Bills, reported Bill (98), "An Act to confer on the Commissioner of Patents certain powers for the relief of George T. Smith," without any amendment.

HON. MR. MACINNES (Burlington) moved that the Bill be read the third time.

HON. MR. DICKEY—I hope my hon. friend will not press his motion at present. The Bill requires an amendment to make it conformable to the legislation which has already passed this House in a similar case. This is one of the two Bills spoken of by the Leader of the House on a former occasion as running in the same line, for the relief of two parties who have allowed their patents to expire, and in regard to the proviso for the protection of the public, an amendment was required to be made to the other Bill which came up to the House in very much the same language as this one. The Committee on Private Bills, for what reason I can hardly understand, after the decision by this House and adopted by the House of Commons, did not think proper to insert the qualifying words which explain how these rights to be protected were acquired—that is to say, by "assignment, user, manufacture or otherwise." For this reason I shall oppose the third reading of the Bill until it is amended.

HON. MR. HOWLAN—There is a clause of the Bill which provides for that now.

HON. MR. DICKEY—I beg my hon. friend's pardon: it does not.

HON. MR. POWER—I am sorry to differ from my hon. friend from Amherst. As I read this clause, it provides very satisfactorily for the protection of rights which have been acquired since the expiration of this patent without the amendment which the hon. gentleman proposes to insert. The existing clause of the Bill provides:—

"2. Any person who has, within the period between the twenty-second day of January, one thousand eight hundred and ninety, and the extension or renewal hereunder of the said patent, acquired by manufacture or use any right in respect of the invention covered by the said patent, shall continue to enjoy the same as if this Act had not been passed."

The amendment of the hon. gentleman proposes to limit that protection to those who have acquired the right by assignment and some other specified modes. I think the rights of the party whom the hon. gentleman wishes to protect are better protected by the words of the Bill than they would be by the proposed amendment.

HON. MR. DICKEY—My hon. friend has certainly not allowed his recollection to carry him back for a day or two at all events. When the question was up before, this was exactly the argument used for the other Bill—that the general word "acquired" carried more force than the words I proposed in amendment; but when I stated the case to the House, the House took the view which I suggested, and they found it necessary to explain how acquired. And why? Because acquired primarily might mean by assignment or purchase, and it did not protect the person who manufactured. The other amendment has made the matter clear and distinct, and when the Bill which came up to us from the other House with a general word "acquired" in it, we sent it back to them with that amendment, and the Commons deliberately adopted our amendment and sent it back to us concurred in—that is to say the amendment which made it plain that the persons using or manufacturing the article after the patent had expired were protected, and how hon. gentlemen can say that we are to reverse our decision and admit that we were wrong before, and say that the word "acquired" is all that was necessary I cannot understand. In the Courts it might be construed as a right only by assignment or purchase. Now, we are asked to send this Bill back to the House of Commons because it has escaped their notice, though they accepted our amendment in the other Bill the moment their attention was called to it, and admitted that we were right. All I ask is that this Bill may be made conformable to the Bill already passed by this House so as to make our legislation congruous.

HON. MR. MACINNES (Burlington)—I have no objection, as the promoter of the Bill, to accept the amendment proposed by the hon. member from Amherst, and with the consent of the House I am perfectly willing to have the Bill amended now.

HON. MR. KAULBACH—The amendment proposed by the hon. member from Amherst does not go as far as I desired it to extend. It only refers to rights acquired by user of the patent or by assignment.

HON. MR. DICKEY—Or otherwise.

HON. MR. KAULBACH—"Or otherwise" is very indefinite. What is to be done with the people who have made preparations to manufacture this patent, but have not exactly commenced to manufacture? I think such cases should be provided for, if we are going to specify the rights of those who are to be protected. The amendment should protect everybody who has invested capital with a view to manufacturing the patented article.

HON. MR. HOWLAN—I think it will be necessary to give notice of that amendment. We cannot take it in a hap-hazard way like this. I object, as a member of the House, to make the amendment without notice.

HON. MR. MACINNES—In order to meet the objection of the hon. gentleman, I move that the Bill be read a third time on Friday next.

HON. MR. POWER—The amendment will not effect anything. It will not do any particular harm, however. What has happened in the case of this Bill shows how fine a thing it is to have a good reputation. The hon. gentleman from Amherst has a long established reputation for skill and good judgment in amending Bills, and this House took it for granted that the amendment must be right, without carefully looking into it, and the House of Commons has got into the way of accepting our amendments as a matter of course, because they are always important, and they accepted that amendment without investigation.

The motion was agreed to.

THE CONSTITUTION OF THE SENATE.

HON. MR. POIRIER moved:

That an humble Address be presented to Her Most Gracious Majesty; praying for the amendment of the British North America Act, so that Senators shall, henceforward, as their seats become vacant, be appointed by Provincial Legislatures, the Crown to retain the right to the appointment of three or six additional Senators, as now exists under the Constitution.

He said: At the outset of my remarks, I beg leave to state the fault I find with our Canadian Senate is not to its composition, as it now exists, but to its constitution. There is no ground for serious criticism of the hon. gentlemen who now compose the Senate. The choice, I believe, on the whole is an intelligent and commendable one. Since the necessity of a property qualification has been abolished in the other House, the tendency of the Government has been to call to this House men of wealth—plutocrats—to counterbalance the absence of property qualification in another place. Out of the twenty, or twenty-five, last nominees of this House, one could pick a good number of millionaires or quasi-millionaires, and to mention but a few of the late deceased members, we have the Hon. Mr. Ross, Hon. Mr. Rodier, Hon. Mr. Macdonald, and Hon. Mr. Rolland, who in point of wealth would have graced the peerage. The same thing applies to the Liberal Government while they held power from 1873 to 1878. No fault can be found with their appointees, and no fault attaches, therefore, in my view, to the succeeding Government relative to this question. How is it, then, that under these conditions the Senate does not hold its own? How do you account for the failure of the fruit when the trees are sound and select? This is the question I propose to elucidate, or at least to discuss, to-day. I am aware that the question is anything but a popular one, either in this House or in some of the Ministerial papers, but I will not be deterred from bringing up the question on that account, because I am convinced that there is something wrong with the Senate.

An hon. GENTLEMAN—Where?

HON. MR. POIRIER—My hon. friend asks me where? From the complaints I have heard from many gentlemen in this House—I will not be personal—complaints that have filled this House as the desert was filled with the lamentations of the mother of Ishmael—some gentlemen, like Rachael weeping for her children, will not be comforted because we have no Cabinet Minister in the Senate.

HON. MR. MCINNES (B. C.)—A Cabinet Minister with a portfolio?

HON. MR. POIRIER—Yes; I mean a Cabinet Minister with a portfolio. I

would like to see the Senate represented in the Cabinet; but having studied the constitution of the Senate and the elements on which our force rests, I cannot find fault with the Government for giving us no part in the executive. Where do we get our authority here? Are we in touch with the people? I fail to see it. We are appointed by the Crown and the Crown is practically anything but an executive power. Of course it was once at the time of the conquest and before Magna Charta, but in modern times and especially since 1832 the power comes from the people and, I say again, we are not in touch with the people. Not later than 1872 Lord Beaconsfield, then Disraeli, speaking at Manchester on a question similar to the one I have brought up here, the remodelling of the House of Lords, used these words: "How is that House to be reconstructed? Will it be appointed by the Crown? If so, what influence will it or can it have?" Hon. gentlemen, this is the whole question; we are appointed by the Crown and what influence can we have? I will not confine myself to my own views on this question; I prefer to deal with the history of the Senate itself, and to show, if I am young, I can bring forward the arguments of men that were reputed to be wise and who were old enough to give their words weight with this House and with the country generally. For this reason, without indulging in any theory of mine, I will simply review the history of the upper House, and hon. gentlemen will see that as long as it was intended that we should not have responsible government, it was reasonable and logical that the upper House should be appointed by the Crown. At the time that we had responsible government given us the leading men of the country, such as Lafontaine, Baldwin, Sir John Macdonald, Cartier, Cauchon and others, took a similar view to that which I am taking now. This may appear strange to some hon. gentlemen here. The first legislature dates from 1763. At the time we had no responsible government: the Imperial Government appointed a Council to govern the country along with the Governor General. It was quite logical and right. The second Council was granted by the Quebec Act in 1774. Again we had a Legislative Council appointed by the Crown, which was logical, because the people had nothing to do with the shaping of their own destinies. The third upper House was given us in 1790, at the time of the separation of the two Canadas. At that time, also, a nominated Council was given, and the intention to imitate the British Parliament went so far that the Lieutenant-Governors were allowed to create, with the sanction, of course, of the Imperial Government, hereditary Legislative Councillors. The object was to have an absolute image of the British Parliament. It was all right so long as responsible government was not given us. The next was in 1840, when, as hon. gentlemen are aware, on the report of Lord Durham, responsible constitutional government was given us: But although the liberal Government of England then did give us a constitution which appeared to grant us responsible government, such was not the opinion of Lord Sydenham, for example, who was appointed the first Governor in Canada after that constitution. It was only after a severe contest that Lord Sydenham consented to actual responsible government in Canada. By the constitution of 1840 the Council then was to be appointed by the Crown, and it was not distinctly decided that we were to have responsible government. So far, I can find no fault with the nomination of members of the upper Chamber, because it was in keeping with the authority that was meant to prevail at the time. When the authority comes from the King, then the nominees of the King can legislate. But after the despatch of Lord Russell, when the views of Baldwin had preponderated, and we were at last given actual responsible government, what happened? Those who are the fathers of our political liberties here would not be satisfied with a nominated Council, but in 1856 they succeeded in having the Senate, which was then composed, as it is now, by nominees of the Crown, replaced by an elective Council, and I will read you some of the reasons why that change was brought about. First, although the Council was then composed of many of the leading men of Canada, it was fast sinking in the estimation of the people, and losing influence. Such men as Sir E. P. Taché, Morin, Seymour, Belleau, Bolton, Leslie, de Boucherville, Walker, &c., could not preserve its prestige:

"It is admitted by all hands," said Sir John A. Macdonald, in the course of the debate, "that the

present upper Chamber is not an efficient check. Without wishing to speak disrespectfully of the upper House, I may say that we all know, except in some few isolated cases, they have contented themselves with being mere registrars of our Bills, which they read over, and, perhaps, correct some errors in spelling or grammar, and then send them down to us. They have exerted no real influence in the State. They are of no use, and all that can be said of them is to employ the language of the member for Lambton (Mr. Brown), they have done no harm."

And yet that Council was the prototype of our Senate of to-day. Its very picture.

Sir John A. Macdonald, who was then Attorney General (West) continues his argument for the abolishment of the nominated Council :

"I would indeed understand the proposition to destroy one Chamber entirely, but if it were thought necessary to have a check upon one branch, the other branch must possess some real power."

It plainly appears that the upper Chamber had authority given to it by the constitution, but that it had in effect no real power, and that was one of the reasons why Sir John Macdonald, and the leading statesmen of his day, thought it advisable that an upper Chamber, which had no real power, should be reformed. In answer to Mr. Brown, Sir John A. Macdonald said :

"I was stating that we had not the British Constitution in the Province. We have it only in name."

Hon. gentlemen will remark that, because the upper Chamber was nominative, Sir John says we have not the British Constitution in this Province ; we have it only in name.

"It was intended in 1791 that we should have a transcript of the British Constitution, and nominally we have it except in the difference between life and hereditary members of the upper House. But we have not really the British Constitution, for we have in fact one Chamber elected directly by the people and acting directly on the Crown. No one in this House can get up and state that there is a real and effective check upon this House ever exercised by the nominees of the Crown in the upper Chamber. Those hon. gentlemen then, are fighting for a system which is not the British Constitution, and they are fighting against an attempt to introduce in spirit the British Constitution, which is one hereditary sovereign, one body elected directly by the people and being the immediate numerical expression of the voice of the people, and the other a body checking that numerical expression."

Again Sir John goes on :

"A check is necessary unless we wish our single chamber by degrees to absorb both the judicial and executive as well as legislative powers. It has pretty nearly absorbed the executive power already, and if no check is applied it will ere long absorb the judicial, and when it does that the constitution is at an end."

I ask hon. gentlemen if the facts are not parallel ; if now the executive power is not wholly absorbed by the other House? Now, Sir John says that when it comes to that, we are not within the spirit of the British Constitution, and that our constitution is nearly at an end. The position with us, at present, is graver than some of us imagine. Just now there is no great difficulty in the way of governing the country ; everything is in harmony ; but I say it is our duty to guard for the future.

HON. MR. KAULBACH—What do you think of an elective Senate ?

HON. MR. POIRIER—I will, when I come to the terms of Confederation, give the reasons why it is we have no elective Chamber now. In 1856 the nominative House was replaced by an elective House, but the statesmen of that day had not the element we have now to constitute an easy and proper electorate for the Council. Had Confederation existed then, as now, the electorate for the second House would have been found or should have been found in the Local Legislatures ; but there was no Confederation as now, and they did what was natural, and what was rational : they created a special electorate for the second House. That electorate consisted, as hon. gentlemen are aware, of large districts, 24 in Quebec and 24 in Ontario. That state of things went on up to Confederation, and at Confederation a new departure had to be made under the new order of things. My hon. friend from Lunenburg asks me, why it is that we have not an elective second Chamber? There are a great many reasons for it, but one of the main reasons is this : that members of the upper House found it too difficult to canvass a whole district of country, in order to be returned. Those gentlemen were men supposed to be above a certain age, and they found that they could not, without injury to their health, undertake an election which was exceedingly difficult on account of the area that had to be canvassed and of the expense incurred; and it resulted in this, that men in good standing, advanced in years, would not face an election. Therefore it was thought advisable that the second Chamber should not be elected by the people as was the case in the lower House. At Confederation, I am astonished that no one thought of a second chamber elected by Local Legislatures. There was an already prepared electorate for a second House ; such an electorate as had been chosen by every civilized

country which is composed of a confederacy. I say that if the fathers of Confederation had adopted the proposition I now submit, an easy solution of the problem would have been at once arrived at. During the discussion, Sir Alexander Campbell, whom we all remember so well, gave precisely those reasons which will answer as a reply to the question which my hon. friend from Lunenburg has asked me, why the upper House did not continue to be elected by the people:

"The main reason which has induced the conference to determine as they have done in the constitution of the upper House," said Sir Alexander Campbell, "was to give each of the Provinces adequate security, which it was feared might not be found in a House where the representation was based on numbers only, as would be the case in the General Assembly."

And Sir John Macdonald adds this:

"To the upper House is to be confided the protection of sectional interests; therefore, it is that the great divisions are equally represented for the purpose of defending such interests against the combinations of majorities in the Assembly. It will, therefore, become the interest of each section to be represented by its very best men."

We see by these declarations that the upper House was intended to represent the Provinces and sectional interests. I say that the election of Senators by Local Legislatures would precisely have met these views, and to day, under that system, we would command an influence which, we must admit, we do not now command in the country.

We should now look to what has been done in other countries. We have, since half a century, seen responsible government established in most civilized countries, both in Europe and on this continent. We find in most of those countries, especially in Europe, an upper and a lower Chamber, except, I believe in Greece and in Norway, and in none of those countries, who have copied their constitutions more or less closely from the constitution of Great Britain and of the United States, will you find a nominative body composing the upper House.

HON. MR. DICKEY—Nor responsible government.

HON. MR. POIRIER—I beg my hon. friend's pardon: responsible government exists in most of the countries of Europe now.

HON. MR. DICKEY—Does it?

HON. MR. POIRIER—I believe, with the exception of Russia and what now remains of European Turkey, that responsible government is to be found in every country in Europe.

HON. MR. DICKEY—And Spain, and Italy, and Germany?

HON. MR. POIRIER—Yes, in Spain, in Italy and, to a great extent, in Germany also. Responsible government exists in every country in Europe except in those two I have mentioned. If you look at the constitution of those countries—and the wisdom of the countries surrounding us ought to have some weight with us—you will find that in confederated countries the upper House is elected by the different Provinces; and in countries that are homogenous they have a special electorate, of a second degree, but in no country is there an upper House nominated by the Crown. I will go further: I call the attention of the hon. gentleman from Amherst to the fact that even in England now the tendency is practically to have the upper Chamber not nominative, but elective. In Sweden the members of the upper House, 143 in number, are elected, according to the last adjustment, by the provincial and urban councils, the 24 "landsthings" and the four chief municipalities. In Spain the Senate includes, first, Senators by right, viz:—the sons of the King, the grandees of Spain, &c.; second, Senators nominated by the Crown—which must belong to a certain privileged class, and third, elected Senators. Nine of these are chosen by the clergy, six by the academies, ten by the universities, five by the economical societies, and one hundred and fifty by the provincial deputies and municipal delegates (electoral law of 1877.)

In Roumania, a new country that had the benefit of the experience of other nations, the Senate is composed of 120 members elected by two colleges in each electoral district, viz:—by two classes of franchise holders.

In Portugal the revision of 1878 authorized the King to appoint life peers; but the constitution was amended in 1885 so as to convert the hereditary into a representative upper Chamber, as was done here in 1856, and as will be done here when my motion is carried into effect.

In Holland the first Chamber of the States-General, which is equal to our

Senate, consists of 50 members elected by Provincial States.

All these countries, as I said before, have had the experience of England and of the United States, and have adopted the constitutions which are in keeping with the aspirations of the time. In Italy, which has been referred to as a country not enjoying responsible government, the Senate is nominated by the King, but its members are chosen from a certain category. The right to sit does not emanate from the Crown. The Crown has the right of selecting only. Now, in Germany, article seven of the constitution enacts that each State may nominate as many members of Bundesrath as it is entitled to votes, but the votes must be collectively given. It is the old Diet applied to the constitution of 1871, with Austria excluded.

It is similar to what I propose here, a House elected by the different Provinces. There are 26 States, and these States elect 62 members to the upper House. In Denmark the upper House is composed of 60 members, of which 12 are elected by the King, 7 by Copenhagan, 47 by electoral districts, 1 by Bornholm and one by the lagthing of Faroe. As to Belgium, I notice in the debates on Confederation, that several members referred to it, that there was a tendancy to imitate to a certain extent, the Government of Belgium here in Canada. In Belgium, the Senate resembles closely the Legislative Council which existed in Canada from 1856 to Confederation. It is elective, and renewable by halves every four years. That system, I say, was copied by us pretty closely in 1856. In Austro-Hungary the highest authority in the Empire, the Delegations, consisting of two bodies of 60 members each, are elected by the Reichsrath of Austria and the Reistag of Hungary. These constitute two chambers, who, with the Emperor, are supreme.

Here again, you find that it is not the Government that nominates the upper Chamber. And these people, as far as their political constitution is concerned, are more advanced than we are, for the moment a body is nominated by the authority of the Crown or of the President, it depends upon that authority. To-day the Queen of England with all her power could not nominate a member for the House of Commons, because the power, as I understand law-making now, does not enamate from the Queen, but from the people, and the Queen cannot nominate a House to legislate. How can it, therefore, logically nominate another House which is equally a legislative body, such as we are? That is the secret of our weakness. I notice the other day a despatch from the only country in Europe that has no responsible government—Russia—stating that even that country is about to have responsible government, and here is how that despatch reads:—

"DRIFTING FROM DESPOTIC RULE.

"BERLIN, April 13th, 1890.—Court advices from St. Petersburg are that the movement in favor of a constitution finds adherents in the Czar's circle. The Grand Duke Vladimir, the Czar's brother, induced less by Liberalism than by fears of a revolution, is urging the Czar to create a Parliament consisting of representatives of the nobility elected by the Centzvos, with a limited number of delegates elected by towns."

It will be seen that even in Russia, if there is to be an upper Chamber, the upper Chamber will not be appointed by the Czar, but will be, naturally, appointed by the people or by delegates of the people. Now, having gone through the European monarchies, I will take a little trip through the republics. We are practically a republic here, but with the exception of Canada I find in none of the republics a second Chamber, nominated by authority of the president. In South America most of the republics have been more or less directly copied from the constitution of the United States. In the Argentine Republic the Senators are elected by the Legislatures of each Province, exactly my proposition. In Bolivia the Senate is elected. In Chili the Senate consists of 40 members, two from each of the 20 Provinces, exactly, again, what I propose here. In Colombia the Senate is composed of 27 members, three for each of the nine constituted States. In Equador two Senators are returned for each of the eight provinces. Mexico has a Senate of 36 members, two from each of the 18 States. Paraguay also has an elective Senate. In Peru the 20 departments nominate two members each for the Senate. There is but one exception in the whole of America, excluding British Colonies, in which the upper House is appointed by the supreme authority of the Crown, and that is Hayti. Hayti is a colony composed of about 900,000 negroes, and that is the only country in the western hemisphere, out-

side of Canada, where the upper House is nominated by the Crown.

HON. MR. DEBOUCHERVILLE—There is no Crown.

HON. MR. POIRIER—There is a President. I will now refer to France. In France the Senators are elected by special electors of the second degree. France, not being a confederacy as we are here to-day, had, as we had in 1856, to create an electorate, and the Senators are elected by the electors of the second degree, composed of communal and municipal delegates, of members of each council general, and of the deputies of each department. Here again you have the Senate of France not nominated by the President but elected. They had the nominative system, but they changed the mode of constitution as not being in keeping with modern ideas of representative government. Switzerland is a country pretty much like our own, divided into different provinces or cantons; and the upper Chamber in Switzerland is constituted pretty much in the same way as the upper Chamber in the United States. The Senate or Stande Rath is composed of 44 members or two Senators for each canton. Now, hon. gentlemen will see that in all these civilized countries outside of British colonies, the Upper Chamber is elective. In England the House of Lords has a historical *raison d'être*, but in modern times the tendency in England itself has been to have the upper Chamber elective. By the terms of the Union, it was decided that the peers of Scotland should be elective, and so they are—16 of them. And the constitution of Ireland also provides that the Irish peers, 28 in number, be elected or chosen independently of the Crown.

HON. MR. MURPHY—Whom are they elected by? Not by the people.

HON. MR. POIRIER—They are not elected by the common people.

HON. MR. McCALLUM—They were nominated by the executive and the executive were elected by the people.

HON. MR. POIRIER—It answers my contention that they are not nominated by the Crown. I agree that a second chamber should not be elected in the same way as the lower House. In England, the tendency is to have the peers elected by a special electorate, which is composed of the peers, but not by the Crown. This is the electorate which now selects the peers of Scotland and Ireland. But I will come to another country—the United States.

HON. MR. DICKEY—Another republic.

HON. MR. POWER—That is the country that we do not want to have anything to do with.

HON. MR. MACDONALD (B.C.)—Do you say that they have responsible government in the United States?

HON. MR. POIRIER—We have to be eclectic. If there is anything good in the constitution of the United States, we should not hesitate to adopt it. The constitution of the United States was revised after an experience of ten years. It was drafted by men who are admitted to-day to have been exceedingly wise—Madison, Hamilton, Jay and others. The writers on political economy in the leading civilized countries of the world agree that those who framed the constitution of the United States were "long-headed men," to use a vulgar expression. To-day the constitution of the United States is admitted, by writers of the highest standing, to be more in harmony with the tendency of modern times and in keeping with the liberties of the people than any other in existence.

HON. MR. MACDONALD (B.C.)—What do you call the form of government in the United States? Do you call it responsible or what?

HON. MR. POIRIER. Responsible by the President—responsible to the people, at all events. So jealous were the people of the United States of their Senate, that while the general constitution can be changed by a two-thirds vote of Congress confirmed by three-fourths of the Local Legislatures, no State may be deprived of its two Senators against its own consent. Even though the whole of the United States were in favor of such a change, the veto of the one individual State interested can prevent it. I said I would give some testimony of the estimation in which the American Senate is held in other countries. Lord Dunraven, in the *Nineteenth Century*, says: "The strongest, most efficient and most capable

Legislative Assembly in the world is to be found in the United State Senate." Jennings, an Englishman, in the *Quarterly Review*, says: "The constitution of the United States of America is much the most important political instrument of modern times." Sir Henry Mayne says: "The Senate of the United States is at this moment one of the most powerful political bodies in the world. In point of dignity and authority, it has in no wise disappointed the sanguine expectations of it founders." Gladstone himself says—and I am passing over the testimony of many other eminent men:

"As the British constitution is the most subtle organization that has proceeded from progressive history, so the American constitution is the most wonderful production ever struck off by the brain and purpose of man."

And here is what Sir John A. Macdonald said on the subject during the debates on Confederation:

"It is the fashion now to enlarge on the defects of the constitution of the United States, but I am not one of those who look upon it as a failure. I think and believe that it is one of the most skilful work which human intelligence ever created; it is one of the most perfect organizations that ever governed a free people."

HON. MR. ALMON—I think in the American Senate, Rhode Island, which is a very small State, returns two Senators, whereas New York, with population, area and resources vastly greater, has only a representation equal to that of Rhode Island. Do you wish us to have the same sort of representation for the Provinces in our Senate?

HON. MR. POIRIER—That is just the tie that has linked the United States together and has enabled the country to pass through wars that would have reduced any other country to its original fragments. The lower Chamber is directly representative of the people. Its members are elected by manhood suffrage: everyone in the nation who is over 21 years of age has a vote. That is representation by population. There are two elements constituting a confederacy, the people and the privileges attaching to the States or Provinces which form the confederacy. What is the consequence? As the hon. junior member from Halifax remarked, New York, with a population of over 5,000,000, has thirty-six members in the House of Representatives, but only two in the Senate, while Rhode Island and Delaware, which have only one or two members in the House of Representatives, have each the same representation in the Senate, as New York. Colorado, which has lately been admitted into the Union, has only one member in the House of Representatives, but has two in the Senate. In point of power, every State is equal in the upper House, and the lower House represents individuals, thereby making the Confederation truly representative of the two elements of which it is composed. The people have their own representation in the lower House according to population, and the Provinces, or States, are represented in the Senate as units of equal value. The constitution of the United States has mis carried in many ways. Even the judicial power, which has been the admiration of the old world, could not prevent the civil war. On the other hand the framers of the constitution never intended that the President should be elected directly by the people. Their idea was that he should be elected by an electorate of the second degree. But there is one institution that has remained unchanged in the United States, the Senate. It is now as it was at the commencement, and prominent English writers are obliged to admit that those who derided the constitution of the United States in its infancy were wrong, and that the Senate of the United Stated is a body which deserves and commands universal admiration. Look at the bodies nominated by the Crown in other countries! Look at the House of Lords: it is falling, lowering—no one can deny it. Since the Act of 1832 the House of Lords had lost its power over people. Only last month, when Labouchère proposed in the English House of Commons to abolish hereditary government, his resolution received 139 votes and was only defeated by a majority of 62. I remember reading the report of the debate; Labouchère was of the opinion that it was as illogical to have a legislative body nominated by the Crown as it would be to have a jury selected by one of the litigants in a suit. There is one institution that has not sunk or diminished, that is the Senate of the United States. I say the same elements they have there are to be found here: we have a confederacy, as they have. What was the great objection in this country towards Confederation? The objection was, especially in the Province of Quebec,

that the rights of the Provinces might be encroached upon. There was an easy way then, as there is now, to guarantee the rights of the Provinces, by empowering the Provincial Legislatures to elect the members of the Dominion Senate. I say, give the Provinces the appointment of the Senators here, and I will accept Legislative Union, because then we will be sufficiently protected.

HON. MR. MURPHY—What is the date of these quotations that the hon. gentleman has given us?

HON. MR. POIRIER—Recent—since 1880. We must all remember that the British constitution, that marvellous organization where modern people seek for the foundation of their liberties, has changed too. If we are going to adopt a constitution based on the English system we should not adopt the principle that prevailed six or seven centuries ago, but the idea that prevails now. Unquestionably at the time of the conquest, or soon after, the upper Chamber was appointed, or rather convoked by the King, who was all-powerful. It was coordinate with royalty. But since Magna Charta, there has been a tendancy to the contrary, and while at the time of the Conqueror, the power rested in the King alone, while afterwards it rested in the King and the House of Lords, it gradually shifted until it rested in the King, the House of Lords, and the Commons. After the advent of the House of Hanover in England, the authority of the King diminished gradually and rested mostly in the House of Lords. Since the Reform Act the authority moved on towards the people and towards the House of Commons. Are we in our constitution going to adopt what even England is now throwing aside as obsolete? Now the idea of an upper Chamber, nominated by the Crown, is illogical in this century. The Governor here has not the power to legislate, and he is made to delegate a power which he has not got. The Crown cannot give a member of the other House any legislative authority. It has not of its own any executive authority; and yet it is authorized to delegate here to us both a legislative and an executive power. It is illogical and it is the secret of our weakness to-day; not that we have not as able men on the whole as they have in the other Chamber, but that the source of our power is not a logical one. Remember this axiom of English political economy—the King is the fountain of honor; the people now are the fountain of power. In our particular case, the Crown is the fountain of power, since the Crown appoints us.

HON. MR. DEVER—Who appointed us? Was it not the Government of the country, elected by the people and kept there by the will of the majority?

HON. MR. READ—A Government responsible to the country.

HON. MR. POIRIER—I am taking the constitution for what it is. The Constitution says that the Senators are appointed by the Crown. I am not in the secret as to whom the hon. gentleman from St. John (Mr. Dever) owes his appointment, that is possibly a conundrum to himself, but the Constitution says that Senators are appointed by the Crown, and I say the Crown delegates more authority than it possesses, which is illogical, and that, I repeat, is the whole secret of our weakness. Personally I find no fault with the Government giving us no part of the executive in this House. Why? Because we are not in touch with the people.

HON. MR. DEVER—Why is it, if the Government have done wrong in appointing this House, that the country does not punish them for making such appointments?

HON. MR. POIRIER—It strikes me that if the hon. gentlemen were the lawmaker of this country he would be a Draco: he wants the Government punished for appointing us that is, for acting within the limits of the authority given them by the Constitution. I go to the extent of finding no fault with them for giving us no Minister here, because our authority is not derived from the people. I am thankful to the Government for appointing as leaders of this House men of great ability. They have given us able men; they have done all what they could; but we can never expect to have Cabinet Ministers here, because our authority, while it is legitimate according to the constitution, is not according to the spirit of the modern way of governing the people. My remarks have not been, perhaps, as close and consecutive as they should be, I have been interrupted so often.

This is a difficult question to discuss, but I thought I would bring it up and have the views of my colleagues upon it, not as a reflection upon the Government or this House, but simply to deal with the fact which is undeniable that we are not holding our own. I repeat it is not the fault of the Government or of the members in this House that we are not holding our own. The people will have the Executive in the other House: it is the fault of the constitution. It is better for us to study the defect in our own constitution than to wait until it is too late, until the people have risen and spoken in a way that will be much less dignified for us than if we had dealt with the subject ourselves, just as a person who feels that he is suffering from some disease consults the doctor to ascertain the cause of his malady or looks at it himself. I repeat that the trouble with us is that we do not derive our authority from the proper source. We should be in touch with the people. We are like Anteus, deriving all his strength from mother earth. Separate us from the people and from the provinces and we become powerless. We have a natural electorate before us, that is the Local Legislatures of the Provinces. I have made the calculation that if since Confederation, Senators had been elected by the Local Legislatures parties would be about equally balanced in the Senate. and with the power of appointing six additional members, for which the Constitution provides now in case of a dead lock, the Government could throw in that balance. Until we have this Chamber elected by some body which has the power to delegate power to us here, we may lament but we cannot improve our condition. I say

> "The Queen may make a belted Knight
> A Marquis, Duke and a' that,
> But a *Senator's* aboon her might
> Guid faith, she munna fa' that."

HON. MR. MACDONALD (B. C.)—I thought the hon. gentleman was going to show this House that upper Chambers in other parts of the world, partly elected, had more power than this House possesses. He has failed to do that; he has shown only one case, the United States of America, where the upper House has more power than the Canadian Senate possesses. In Germany, France, Belgium and other European countries the upper Chambers have not more power than this Senate possesses, and no parallel can fairly be drawn between a legislative body, in a colony which is part of an empire, and the upper House of a self-governing republic. The hon. gentleman has failed to establish his proposition, that we would have more power if we were elected by the Local Legislatures. I do not think we would, but I fully agree with him in this, that the Senate has not the power that it should possess, we ought to have on the floor of this House three or four Ministers with portfolios. More than that, it is unjust to cast on any one gentleman the work that the leader of the Senate is called upon to do. He has to carry through this House all the Bills from all the Departments of the Government, and it is imposing too heavy a burden upon him. When I first came into the Senate there were five Cabinet Ministers here, four of them with portfolios, and then they had as much as they could do to carry through the work of the Departments. If we have lost our power we can in a very short way restore it. If we were to-morrow to throw out a Supply Bill we would very soon bring on a crisis in this country, or we could do it by throwing out a Tariff Bill, and I should be one who would assist in a movement of the kind. The hon. gentleman has failed to establish his proposition that we would have more power than we now possess if we were elected by the Legislatures of the Provinces.

HON. MR. SCOTT - It is a hopeful sign of the re-construction of this Chamber when we find one of the younger members, who has been so recently nominated, taking up this question. No doubt it is one of the important questions of the day and a living political issue. The Senate, as at present constituted, is made up of a body of gentlemen who would grace any legislative body in the world. It is made up of men of large experience who have gathered very great political knowledge, yet I am constrained to say that the political position of this House is not such as its standing merits. I am not now going to allude to the criticisms outside, because every hon. gentleman is aware that the Senate does not enjoy that reputation with the public that its position and intelligence justify and warrant, and I think it is entirely owing to the fact that it is

out of touch with the people of the country. Say what you like, in all countries, whether on this side of the Atlantic, or on the other side, the tendency is always in the direction of giving more power to the people. Even in the country which we look upon as the model to follow in the adoption of many of our political views, the progress of democracy has been most marked during the last half century. On this continent, I believe, with the exception of the country named by the hon. gentleman who brought this subject to our notice, the second Chamber in all countries except Canada, is an elected body. I had not the opportunity of hearing all that the hon. gentleman said, but on enquiry I learn that he did not give all the examples that might be furnished to show that the tendency of the times is in the direction of making the upper Chamber an elective one, the countries that are situated most similarly to Canada are those that owe their origin to the same source—colonies of the Mother Country. The Australian Colonies are perhaps more in harmony with our political position than any other section of the world, and I find that in Victoria the Legislative Council is an elective one, the term being for nine years, one-third of the members retiring every three years; that four Ministers out of nine, under their constitution, must be members of the upper Chamber, showing the great importance attached to the upper House. As a rule, wherever those Chambers are elective they owe their source to a higher elective body. The electors are persons who require higher property qualifications than electors who return members to the Legislative Assembly. In Tasmania the Legislative Council is elective and for a period of six years: it also has a higher qualification for the upper Chamber. The Cape of Good Hope also has an elective Legislative Council. In South Australia there is an elective upper Chamber with twenty-four members who are elected for a term of nine years, one-third of them retiring every three years, with no power to dissolve. Those are sections of the Empire that are very similar in their Constitution to ourselves, and these legislative bodies work well. If anyone takes the trouble to enquire into the constitution of these particular countries that I have named he will find that the upper Chamber in every instance is a body having a very much larger respect in the public estimation than this Chamber at the present enjoys.

We did try the elective principle in old Canada and I think it was provocative of good results. I say that the men who were elected to the Legislative Council of Canada were not inferior to any body of men elected to any other Chamber. We have some of those men in this Chamber to-day. I will run over the names of gentlemen who were elected by the people to serve in the upper Chamber of the old Province of Canada, and you will see that the choice of the people was not even second to the choice of the Crown. We owe our present Speaker to the elective principle; we had Sir Alexander Campbell by the elective principle, and Sir David Macpherson was elected by the people. Sir Narcisse Belleau was elected by the people. Hon. Letellier De St. Just, for a long time a respected member of this Chamber, and at one time a member of the Reform Government in this Chamber, owed his position to the elective principle. Hon. Mr. Aikens, who was afterwards Lieutenant Governor of Manitoba, was elected by the people. Mr. Sanborn, who afterwards became a judge, and was one of the brightest ornaments to the bench or that ever spoke in the Senate, was elected. Ferguson Blair also a very superior man, a man largely respected and of very great influence in the country, was elected by the people. My hon. friend opposite owes his seat here to the choice of the people. If he were asked to-day "would you prefer having your seat here by a patent from the Crown or by patent from the people who know him best," I venture to say his answer would be very decided and clear. My hon. friend at the head of the room (Mr. Reesor) also owes his position here to the elective principle. My hon. friend opposite, Mr. Flint, also owes his position to the elective principle and Mr. Read, behind me, Mr. Guevremont, and Mr. Armand were also elected. So hon. gentlemen will see that where the choice was left to the people they did not make any serious error; they selected gentlemen who were in harmony with the political sentiment of the day, and that is where we are out of touch with the people. I will illustrate it by an example that I think cannot be contradicted or gainsaid. The Province of Ontario for nearly 20 years has been

Liberal and if the vote of the Province were analyzed you would find a large majority of Liberals for the Commons and for the Provincial Legislature; but the constituencies are so framed—the leaders of the Government in the other House have so arranged the constituencies—that the Liberals——

HON. MR. McCALLUM—Does the hon. gentleman mean to say that Ontario is a Liberal Province to-day?

HON. MR. SCOTT—I say it is, and I point to the fact that the Liberals have had possession of it for twenty years and still have and will have for some considerable time I trust. From my standpoint the majority in the House of Commons is largely due to the arrangement of the constituencies. I do not state it as an arbitrary fact, but I do state the other as representing my position. Now, what is the position in this Chamber to-day? With the exception of my hon. friend Mr. Reesor, and myself, I do not know another Senator from Ontario representing the great Reform party in this House to-day.

HON. MR. READ—And it is not so long since you joined it.

HON. MR. SCOTT—I have been here sixteen years as a member of that party. I have no doubt hon. gentlemen will contend that they have the best Government that we can possibly desire. Very likely you have from your standpoint, but not from mine. There are differences of opinion about that, and I ask you whether it is reasonable to suppose that the grand Province of Ontario which is the principal Province of our Dominion, represented as it is here by three gentlemen, one of them, I am sorry to say, an invalid, and not present this Session—can be fairly satisfied with its representation in the Senate? I ask you that question? Ontario is entitled to twenty-four representatives here and she is now represented by only three members who are in harmony with the great party that prevails in that Province. I ask hon. gentlemen whether that of itself is not sufficient to create a feeling of distrust and disappointment? A feeling that some change ought to be made, because it is going on, and eventually I suppose if things continue as they are, in another five years Ontario will not be represented by any Liberals at all, in the natural course of events, as, apparently, this Government has come to stay. So that is Ontario's position. Now that is rather anomalous, but, joking apart, the people who pay the piper think they are entitled to some share of the representation, and it is quite obvious to any gentlemen who choose to read the papers that this House is not well thought of in Ontario. Even by its own friends it is not thought well of. You find strictures constantly in the papers about the Senate which are not all unwarranted and improper. There is no doubt about that, because under the peculiar position which has been adverted to by the hon. gentleman, with all the active workers of the Government—those who regulate the departments in the other Chamber—we have nothing to do. For six weeks this Session, we had practically nothing to do, because if we take the number of hours that we spent in this room during that time they were so few that they were not worth while calling us together for. If there was proper representation in this Chamber—gentlemen who represent departments—they would naturally introduce legislation that affected their positions. That would give us occupation, and we would show that there was talent, industry, intelligence and capacity in this House to deal with the business of the country. But under the present system we have not the power to do business, only as it comes to us after it is partially finished in the other Chamber, to register it here or to make slight changes. It is an exceedingly unfortunate position of affairs, and it cannot be improved unless the constitution or manner of appointment to this Chamber can be improved. What I say is this: we are not in touch with the people. In this country, particularly, all power springs from the people, and we are not of them—we are not part of them. The people have no voice, practically, except in a very indirect and remote way, in saying who shall be elected for a seat in the Senate. For that very reason people look upon us, I will not say with distrust, but the papers indicate the feelings of the people on that point; and I think the motion of the hon. gentleman is one in the right direction. I am not prepared to say at this moment that that is the best way of filling this Chamber. I have my own views upon it, but it might be that a mixed

mode of filling the Chamber, allowing the Crown a certain number, allowing the Local Legislatures a certain number, and allowing the people a portion would be an an improvement. In that way you would get a variety. As it is now, the Crown alone appoints and I think I have shown that when the people were entrusted with the selection they exercised their power wisely and well. The hon. gentleman has said that in dealing with this question every hon. Senator might feel that he could do so wholly irrespective of any personal feelings or motives, because in the reconstruction of this Chamber, no doubt, those who have been appointed for life will continue to hold their positions, and our ambition should be, as Canadians, to improve, if possible, the constitution of our country. It is open for us to do so. The tendency of the present day all over the world is to elective institutions. The system may not be as good, but at all events people recognize that it is the better way. It is the way they like. The world now is to be governed for the people; they are dictating how the countries shall be governed, and no doubt that is the proper thing—government by the people for the people for the greatest possible good. In dealing with this question, therefore, every hon. gentleman ought to express his views freely and he can afford to be a perfectly independent witness because he is, at all events, sure of his own position here. And he must have an opinion whether it is better in the interests of the country that this House should be elected by the people or nominated by the Government of the day.

HON. MR. McINNES (B.C.)—I desire to say a few words on this subject, inasmuch as four years ago I placed on record my views in the same direction as those stated by our hon. colleague who introduced this subject. And in order to be as brief as possible I will just read to the House what I stated on that occasion. It will be found in the official reports of the debates of this House for the year 1886—page 333. It was on a motion brought up by the hon. gentleman from Woodstock, I there expressed myself in the following language:—

"If the present Government remain much longer in power I have every reason to believe that the Senate will not remain as at present constituted for another five years."

The five years are not up yet, but I am happy to see that there is a hopeful sign when this young appointee to this Chamber is taking the matter up. The report of what I said on that occasion continues:

"My idea is that the constitution of the Senate ought to be changed without delay. I believe that the Provinces, or rather the Local Legislatures, ought to appoint the members of the Senate for life or for a very long period of years. Next best to having the Senators appointed by the Local Legislatures, let them be elected by the people for a period of from nine to twelve years, and let one-third retire every three or four years.

"HON. MR. KAULBACH—More provincialism.

"HON. MR. McINNES (B.C.)—I believe that if the Provinces had the appointing of the Senators, they would come here and feel that they were not under any obligation to the right hon. leader of the Government or the leader of the Opposition, that they would come here as true representatives of the Provinces, in the first place; and, after that, the interests of the Dominion as a whole. What is the fact to-day? There is not a member here who has received his appointment from either Government that does not feel more or less restraint or obligation to the party, or leader of the party, that appointed him, and members are to that extent shackled and bound. In many instances, I am quite satisfied that hon. gentlemen here would take a different stand from what they do, were it not that they feel they owe their appointment to the present Government, and consequently must support all measures introduced by them. If they came here, as I have suggested, as representatives of the Provinces, they would come not knowing one party or the other, but would come to discharge their duty to the country, and I believe the sooner that system is adopted the sooner this House will become what it was intended to be, a grand judicial, deliberative body, and a check on crude legislation emanating from the other House—not a mere recording body, as we have been for a very considerable time."

These were the views I held four years ago. I still retain them and I heartily endorse nearly all that has fallen from the hon. gentleman who introduced this motion with one exception, and that is that he stated he found no fault with not having Ministers holding portfolios on the floor of this Chamber. Now, I have been a member of this House for eight years. When I came here there were two hon. gentlemen holding portfolios in the Government on the floor of this Chamber, and I believe during the Mackenzie administration there were three.

HON. MR. DICKEY.—Letellier de St. Just was one of the Ministers during the Mackenzie regime. There were three in the first year of the Mackenzie administration.

HON. MR. McINNES (B.C.)—And unfortunately they came down to one, and for the last two or three years we have

had no Minister holding a portfolio in this Chamber. It is to be regretted. I do not say it from a party standpoint, or do not wish to make an attack on the Government, but certainly we cannot divest ourselves of the feeling that, owing to the fact that we have no Ministers holding portfolios in this House, our prestige before the country and before the representatives of the people has fallen very much lower than it would otherwise be. There is no question about that, and I fully agree also with what has fallen from the hon. gentleman from Victoria, that it is not fair that the responsibility of carrying through all the legislation of this Chamber should be placed on the shoulders of our worthy, our very eminent and talented leader. I think it is altogether unjust and unfair to him that all the responsibilities of a Cabinet Minister should be placed on him without any of the emoluments attached to a portfolio. I am pleased with the spirit of independence manifested by my hon. colleague from Victoria. He has suggested another plan by which this difficulty can be remedied, and the Senate brought into a higher position in the estimation of the country—that is, if we exercise a little more independence and throw out a few more of the objectionable Bills that come before us. I venture to say that the rejection last year of a certain Bill for an expenditure that the Government proposed to make of some of four or five millions of dollars in the Lower Provinces has done more to pacify public agitation against this Senate than anything that has taken place for a long time; and if a few more incidents of that kind were recorded, we would certainly raise ourselves to a higher plane than we occupy at the present time in the estimation of the people. I am perfectly satisfied that any gentleman who travels throughout the length and breadth of the Dominion must come to the conclusion that the constitution of the Senate should be changed and brought more into touch with the great moving forces of this country.

HON. MR. McCALLUM—There has been a good deal said here about the Senate not being in accord with the people. I differ very much from those hon. gentlemen altogether. The Senate is a good deal what we ourselves make of it. My hon. friend from Ottawa spoke twice, in the remarks that he made, about the Senate not being in touch with the people. My experience has been quite the reverse; I believe that the Senate is as much in touch with the people as the House of Commons is. It is true that we have no Ministers holding portfolios in this House. It is very desirable that we should have them. I was in the House of Commons for over nineteen years and I know something about it. My hon. friend from Ottawa refers to the fact that the present Government in Ontario has now been in power for 20 years. I remember the time when they came into power. I was in the Local Legislature at that time and held a seat in the Commons as well. But when the hon. gentleman endeavors to create the impression that in the Province of Ontario to-day the majority of the electors are opposed to the Government of the Dominion, I think he is very much mistaken. I introduced a Bill in this House last year, in which the people of this country are much interested. The Bill was passed through this Chamber by a unanimous vote, it went over to the Railway Committee of the House and was defeated there. I introduced it in the Senate again this year. I had to fight the railways. There are three or four railway directors in this House, and a railway solicitor, but they voted it through here this year by 14 of a majority, I think. It went over to the other House and it was again killed there, and it is said that railway passes had something to do with it. Why? I may say that almost every hon. gentleman in this House has a railway pass in his pocket, this hon. gentleman with the rest; but it did not influence us in our legislation. In this case we were in touch with the people. When my hon. friend here moved this resolution, did it occur to him how other countries that he has referred to are governed? Are they governed any better anywhere than we are in this colony of Great Britain? Are the people of these countries more free, prosperous or happy than we are here? I remember the time when the upper House in the old Province of Canada was elective, and I remember the condition of affairs at that time, but we will not go back that far. When my hon. friend tells us that we are appointed by the Crown and that therefore we have no influence, does he consider what appointment by

the Crown means in this country? We are appointed by the Government as representing the Crown, and who appoints the Government but the people! Let us look at the United States, which is a great country. Did the hon. gentleman ever read of the scramble there is in the State Legislatures when they appoint a Senator for the Upper House at Washington? I have, if he has not, and I do not want to see anything of that kind in this country as the outcome of an elective Senate by the Local Legislatures. With all due deference to my hon. friend, I have not found, in going through the country, that strong feeling against the Senate that he speaks of. The Senate is respected by everybody, and we will continue to be respected just as long as we respect ourselves. The press of the country say we do no work, that we adjourn at six o'clock. Why not? We do all the work we have to do; and all we want, to bring more work into this Chamber, is to have some member of the Cabinet in the Senate. Let us divide the work with the Commons. To talk about the Senate being unpopular in the country is absurd. My hon. friend has referred to the men who were in former days elected to the Legislative Council. I say if he takes the men standing before him to-day, man for man, and compare them with the House of Commons, I think we will come out on the favorable side. That is my opinion. I have had experience in both Houses and I do not belittle the members of the House of Commons when I say that; far from it. I think they are an able body of men in that House, but we are equally so here. I am not going to advocate the violent means that my hon. friend from Victoria advises, and throw out the Tariff Bill because we do not get what we want at once, but I would say to the leader of the Government here, so that he can bring it before his colleagues, that we are complaining, and that we have just ground for complaint, that we do not have more Ministers of the Crown in this House, and that if we do not have more legislation and more work to do, it is not our fault. We are ready to do it, and prepared to do it, and it will be to the advantage of this country if we get it to do. Any man who looks at the legislation as it comes from the House of Commons, and who listens to our Speaker as he reads the Bills as they are returned to us from the House of Commons, will see that they agree with all our amendments one after the other. I had no intention of taking up the time of the House, but I could not sit still when I heard an hon. gentleman propose an elective Senate, and such scrambles for appointments as I have read of and witnessed in the United States. I would prefer a second Chamber appointed by the people in the same way as we are now. My hon. friend is very generous in providing that Senators shall only be appointed by the Local Legislatures, as we die out. The change is only to come by degrees, and as he is a young member, in course of nature, his time is not likely to come for many years.

HON. MR. HAYTHORNE—I do not think that the House feels disposed to continue the debate at the present time or what the views of the leader of the House are, but I think there are several Senators besides myself who wish to offer some observations on this resolution, and if it would meet the convenience of the House, I would move the adjournment of the debate.

HON. MR. POWER—This is a very important question; the discussion has only been begun, and there are a number of members who wish to speak on it, and cannot do so this evening. We have not a great deal of work on our Order paper for to-morrow, and I think the course usually adopted in the Senate when dealing with questions as important as this, is to adjourn the debate to permit the routine business to be worked off and resume the debate when the House has leisure. I think it would be exceedingly injudicious to conclude the debate now, as it cannot be finished until late in the night, and I think we had better follow the usual practice.

HON. MR. KAULBACH—I think it was arranged that we were to go on with the debate to-day and hon. members have been preparing to speak on it, and if we adjourn the debate now it will only come on again when there is more pressing work before the House.

HON. MR. ABBOTT—I regret to say that I cannot predict that we shall have, during the rest of this Session, any time when there will be little work to do. I see no prospects of anything of the kind before us at this stage of the Session. The

debate we are now proceeding with is simply whether we shall adopt the American system of electing Senators or not. I do not see how that debate can take any time, even if every gentleman in the House should express his opinion whether Senators should be elected by the provinces or be appointed by the Crown, as they are now. I would call hon. gentlemen's attention to the fact that we have the North-West Constitutional Bill before us for to-morrow, and we have the Bills of Exchange and Notes Bill for to-morrow, then we have the Criminal Law Amendment Bill for to-morrow or next day, which will require, no doubt, a great deal of discussion, and we will have several others which I do not remember at this moment. I dare say the Speaker has now before him Bills from the other House which we shall have to deal with, and we all know what is the usual consequence of a debate of this kind being prolonged from day to day and adjourned. We had one last year which should have been finished in a day, and it took us a week. I see no reason why this debate will not last a week if hon. gentlemen should discuss the constitution in all its bearings as some are likely to do. We allow a large latitude in debate in this House, and I should be the last man to restrict it, and for these reasons it would be better for us to go on and finish the discussion now. It is practically a narrow question, although an important one, which we can finish within some reasonable time and then we shall have the consciousness of keeping our work before us and not delaying it by these discussions.

HON. MR. HAYTHORNE—I think it is to be regretted that this spirit of industry which now animates the leader of the House did not animate him at the time that the long adjournments were proposed.

HON. MR. ABBOTT—Since the hon. gentleman begins in that tone, I must remind him that when these long adjournments took place there were not before the House several of the most important Bills of the Session, as we have now, and the hon. gentleman should spare us his sarcasm.

HON. MR. HAYTHORNE—That is true, but I think the question has for some time occupied the attention of the gentleman who moved the resolution this evening, and I will proceed to offer him my congratulations on the great industry he has displayed in getting up this case. It may be said that all these details about Legislative Councils and Senates and Houses of Lords, in Europe and elsewhere, which he has detailed may be found in any good almanac, but for all that, it takes a vast deal of labor to gather up these details and to place them before a listening assemblage in order and with a useful object. Therefore, I am quite ready to offer the hon. gentleman my congratulations on the industry he has displayed in getting up this case, although I cannot agree thoroughly in all his arguments and all his propositions.

Of course the great object of those on whom the duty devolves of framing a constitution is to have the best and strongest Legislatures which wisdom can devise. In that way, of course, an upper Chamber is essential as a sort of balance wheel in a free constitution of this sort. I do not think there can be much difference of opinion as to the necessity of a second Chamber. We recognize that necessity every Session and almost every working day of the Session in the work that we do in the Senate of Canada, but no doubt, as has been said by some speakers—especially by my hon. friend from Ottawa—there is a feeling that a change in the character of the Senate is desirable and it is a happy feature in the case that a considerable number (I will not say a majority because we have had no vote on it yet) of the members of this House see the coming change in that light. They think in the future that vacancies in the Senate, as they occur, will be filled up, not by nomination but by election. A great deal has been said in the course of this debate, both by the hon. gentleman who introduced the question and others, in favor of the Senate of the United States, where the elective principle is in full blast. Not only in this House, but in many of the public meetings in England on different occasions where a number of leading statesmen of the day assemble and express their opinions, you find them speaking in terms of high encomium of the capacity and usefulness of the United States Senate. I am not disposed to concur in those views, for reasons which I will briefly state to the House. I think that a country that is smarting, as Canada

is now smarting and has smarted, owing chiefly to the action of the United States Senate, are pretty good judges of what I might call the duller side of the question. The English statesmen, some of whose opinions I shall presently refer to, have taken the bright side of the question, but we in Canada have experienced, in our own persons and properties, the darker side of the question and that leads me to a conclusion adverse to that which has been expressed elsewhere. Above all things do we not want, in a body of this sort, whether nominated or elected, men free from such strong party bias that they are ready to prefer patriotism to party? I say that is a thing which the most devoted party man in this House cannot contravene. He may, for the sake of his political friends, maintain that it is his duty to support them in all their measures, but I think I could point, if the order of the House would permit me, to individuals in the Senate who are prepared to put patriotism before party, and it is a body acting upon that principle which, I think if a change is made at all, we ought to seek to pave the way for. The Senate of the United States, as I suppose every member of this House knows, is elected by the State Legislatures, and probably it is that circumstance which has presented itself strongly to the mind of my hon. friend who has introduced the subject to-day; but we find that, owing to the regulations of that body, a two-thirds majority in a body elected for six years and returning to their constituents after that time, are very likely to find themselves in antagonism to the Executive. Now, how often has this occurred in the experience of almost every hon. gentleman surrounding me here? It has occurred in the case of President Cleveland. We know that he had not a majority in the Senate, and that body rejected a well matured treaty negotiated by the Ministers of the President and by gentlemen appointed for that purpose by Great Britain and Canada. It was a treaty at all events that some parties thought was fair and reasonable, and I think we may infer that it was a reasonable treaty, because we find the extreme opposition on both sides opposed to it, each claiming that it was a surrender of its country's rights. When I find that opinion expressed by the strong opposition in both countries, I come to the conclusion that it was a very fair treaty. When the President's policy was thrown out by a two-thirds majority of the Senate we find that body ready to accept the *modus vivendi* with Canada. That is a strong combination of circumstances in a body represented to be the most enlightened in the world. If I had no other grounds to form my judgment upon than this single fact which forms part of the history of Canada to-day, I would say that that cannot be a wise Legislature which acts in so partizan a spirit. It may be said, and I think it is quite proper to point to it, that the United States Senate, when first formed, was a very different sort of body from what it is now. In the first place, there were only thirteen States, and, each sending two members, there were only twenty-six Senators; but there are now seventy-six members of the Senate and in course of time it may be still further enlarged until it reaches nearly 100. A small body such as the Senate was in the days of Washington and the earlier Presidents was far more competent to discharge the duties imposed upon it than a larger body. In the first place, the twenty-six members were no doubt choice men and it is much more easy to conduct business partly legislative, partly executive and partly diplomatic in a body consisting of twenty-six men than it is in a body of seventy-six men. Secrecy can be much more easily preserved and more public attention attaches to the decisions of such a body. At all events that is the opinion of one of the most independent Englishmen that have written on the subject, Mr. Bryce. For that reason, I cannot attach a great deal of importance to those who say that any change made in this body should be based upon the model of the United States Senate. As to whether a second Chamber is necessary, I think there can be very little doubt. We have heard the opinions of a great many experienced men on that point. It may be worth while to mention a few of them. It has been discussed of late in the House of Lords. That body, becoming aware of its rather peculiar position with regard to the people and with regard to the other House of Parliament, has seriously considered, on several occasions of late, the expediency of altering its constitution. A couple of years ago Lord Roseberry brought the subject before the House, speaking at considerable

length. I do not propose to offer the opinions of Lord Roseberry or any other member of that body as proper to lead the opinions of this House, though Lord Roseberry is a distinguished peer and has served the Crown with some success, but I find that that noble lord referred also to the opinions of many others in the course of his address, and in that way I think he is entitled to considerable attention. He said, for instance, that Cromwell abolished the House of Lords. Lord Salisbury, interposing, said: "And the House of Commons too." Lord Roseberry resuming said: "But he found it necessary to restore the House of Commons and, as a consequence, he also found it necessary to restore the House of Lords." Then his Lordship went on to tell what Cromwell himself had said on the subject, and as coming from a man of his great sagacity and experience, one who was not an aristocrat by party or profession, I think his words are worthy of attention. These are Cromwell's words in the quaint old style which he used—it is said that they are the last words that he addressed to Parliament: "I did tell you that I would not undertake such a Government as this unless there might be some other persons that might interpose between me and the House of Commons who had the power to prevent tumultuary and popular spirits." Cromwell was well aware of the difficulty of governing a democracy, and as one of the remedies for those occasions when democracy sometimes takes the bit in its teeth and runs riot, he thought that an upper House assisting him with its advice and experience was a kind of safety valve which he was not inclined to ignore or despise. I attach a good deal of importance to this expression of opinion coming from him. We know in ordinary times when things run smoothly along, when times are prosperous, men well employed, merchants making money and all classes of the community feeling that they are doing well, there is generally peace and harmony throughout the country. That is generally the case, not always perhaps; but there are other occasions (France knows them well) during which democracy considering itself perhaps deceived or offended, becomes suspicious and after that rebellious, and soon it gets into such a state that it cannot he withheld. France has seen such occasions as that considerably more than once in its history, and the upshot of such a state of things has been pretty much always the same. It ends in military despotism: that is the way it ended in the days of the first Napoleon and again in the days of the second Napoleon, and it very nearly came to a similar conclusion not long ago, only the heart of the representative of the Bourbons failed him, and he could not submit to respect the familiar symbols of the republic. Had he had the courage and ability of the great Napoleon, the probability is he would have been seated on the throne of his ancestors. This is one of the dangers of democracy, and we know in France various attempts have been made to erect an upper Chamber. I really could not pretend to guess—because it would be a guess with me, for I have not looked it up—how many differently constituted upper Chambers they have had in France since the days of the first revolution, and it does not appear that any of them have given entire satisfaction. I suppose, the existing upper Chamber of France is about as solid, and it has about as respectable a place in the public estimation, as any Chamber which has preceded it. I, myself, recollect that in the days of Louis Phillippe they had a Chamber of Peers, and if my memory serves me right they held their meetings in the Palace of St. Cloud, but that Chamber saw the end of his régime and had to give place to one of a more popular nature. All these it is true were for the most part nominated and partially elected. The hon. gentleman who introduced this question was for submitting the election of future members of this Senate to the Local Legislatures. Now, I venture to differ from my hon. friend as to the expediency of that course. He has evidently copied it from the Senate in the United States, and I think I have shown that that body is not always to be trusted in cases of sudden emergency. But my objection to the appointment of Senators by the Local Legislatures is: First that it is required in the Senate that it should be a body differing somewhat in its character from the Commons; but if you give the nomination of Senators to the Local Legislatures you simply reproduce the House of Commons here. That is a thing which I think we do not want. The House of Commons has its part in the constitution, and the Senate ought to have its part, and they ought to be per-

fectly independent of each other, different in constitution and different, I may say, in many other respects which I will proceed to point out. I think also there is this further objection to the nomination of Senators by the Local Legislatures. Their nomination would be by the Premier of the Local Legislature. The Local Legislature does what the Local Government advises it to do, and there comes the objection raised by my hon. friend from Ottawa, who tells us that although Ontario has had a Liberal majority for many years, there are only three Liberal Senators from the Province. That is the logical sequence of such appointments and what we might look for if we devolved the appointment of Senators on the Local Legislatures or the Local Governments. I think we can still preserve the elective principle. I think we have this resource to fall back on. Let us by all means recognize the principle that the House of Commons represents numbers—is becoming year by year more thoroughly democratic, and that the qualifications of voters are almost unknown and probably in the course of a few years more will be quite unknown, and every man of mature age and with a certain residence will be entitled to vote for members in the House of Commons. But would it not be rather a cause of jealousy on the part of those who have stepped out of the laboring classes and by dint of their industry, economy and good management, have entered what we may call the property class to find their influence neutralized by their own employés? Take the case of a thriving farmer, who is an employer of three or four or half a dozen men, besides his own sons: when an election occurs his employees can go to the polls and, voting by ballot, practically, if they are so disposed, neutralize the votes of the man who employs them. I am not speaking rashly of this; it is something that actually occurs. I have spoken with men who have become propertied men by their industry and economy, and there is a natural feeling amongst these people, which I think every member of this House must recognize, that their votes ought not to be neutralized by those of men who might be their servants to-day and anybody else to-morrow, men who may be leaving the country, or doing a hundred things which completely destroys the connection between them and the locality in which they are working, or the locality in which they had worked for two or three years. We may safely leave the wealthy merchant, the millionaire, the moneyed classes, to take care of themselves, but when you come down a step lower in the scale of society you have to consider the case of these men who, I venture to assert, are amongst the most valuable in the community. They are the backbone of every community and always have been. Any gentleman, who is familiar with the history of ancient Italy, can recall a number of instances in which the agricultural classes of Italy have been spoken of as the backbone of the State. The leading men in the Legislature, at important crises of the Republic's history, were men taken from the plough. Does not that indicate that the backbone of the community is to be found amongst classes who have been themselves once laborers, and who, by economy and good management, have become propertied men? I think it does, and I think the case of these men ought to be looked to in some way; as I say, millionaires and wealthy people are able to take care of themselves. But all classes of propertied men ought, in my opinion, to have representation in the Senate. This can be accomplished by filling in vacancies which may hereafter become vacant in this body, not by the Local Legislatures or by the Local Governments, but by propertied constituencies. They then in this House represent not numbers, but property. Of course, it is quite unnecessary to go into details as to how such a scheme should be worked out. It is enough to enunciate, in opposition to the hon. gentleman's view, the principle which I suggest, that the constituents of the Senate should be propertied men. How much should form their qualification as voters I do not think it is necessary on this occasion to decide, or for how long members should be elected or for what districts, whether one man to a district, or two men to a district as we have them now. But I think the principle is sound and good, and one which ought to commend itself, in any change that is contemplated, to members of the Government and members of this House. I do believe that there is a feeling in favor of alteration in this House, and circumstances might occur which would place a great majority here in opposition to a Government should a change occur

and a Liberal Government occupy the place of those who have been in power now for so many years. In that case there might be a great deal of antagonism between the two Houses, and it might be found difficult or impossible to conduct public business with an Opposition so numerous and able; but if it is found that the members coming into this Senate as vacancies occur, are men elected by the people, and that those, if any, who resigned their seats and went back to the people, were elected by propertied constituencies, it would then lead up to this point, that the Senate would be a highly respected and very able and unobjectionable body in all its details. I rather regret that the House wished that the debate should proceed today, because I believe I could have produced some examples of high mark with regard to the necessity of an upper Chamber, but fortunately the debate has not taken that turn at all. I do not think any member who has spoken has expressed a desire for the abolition of the upper Chamber. There is one thing I shall refer to before I resume my seat, and I know it has been urged by gentlemen of great experience in public life, for whose opinions I have the greatest respect myself, but I do not think, considering the great difference between this body and the Senate of the United States, that it would be at all expedient to diminish the numbers. I think it would be a great evil if the Senate were reduced to half its present number. That has been proposed by some, and I think, without much expediency. I thank the House for its attention, and hope that when the day comes that a change is necessary it may be in the direction of an elective Senate elected by propertied constituencies.

HON. MR. POWER—The subject brought before the House by the hon. gentleman from Shediac is a very important one. I think there is very little difference of opinion amongst the members of this House or amongst the members of the House of Commons or amongst the people outside, that the present status of the Senate is not satisfactory. There is no question about that. Then the question is as to the remedy. Although I think it is felt everywhere that the Senate is not just in the position in which it should be, I have not heard it alleged by any hon. gentleman who has spoken today, and I do not know that it has been very generally alleged outside, that there is any special fault to be found with the personnel of the Senate. It is only natural that we should flatter ourselves, and say we are the right kind of men for the position, but I think that that is really the fact. I have not seen that there is anywhere much fault found with the personnel of the Senate. We may not be giants of intellect, but I think we have in the Senate enough brains to constitute a useful branch of Parliament, a much more useful one than we have so far proved ourselves. There is no doubt about that fact; and it is a fact that the status is not what it ought to be—the Senate is not playing that part in the legislation of the country that it should, but it is not the fact that the fault is in the personnel of the Senate. Then what is the difficulty? That is the question which I do not think, if I may say so, has been satisfactorily answered. I know that the hon. gentleman from Shediac, who brought the matter before the House, and the hon. gentleman from Ottawa, both took the same ground, that the reason why the Senate is not as well thought of as it ought to be was that the Senate is not in touch with the people. That is a very indefinite sort of term—in touch with the people. The hon. gentleman from Shediac undertook to tell us what he meant by not being in touch with the people, and what he meant was that the Senate was appointed by the Crown, and that under responsible government an upper House appointed by the Crown was an anomaly. He said it was an illogical sort of body. I do not look at the matter altogether in that way. It is not alleged that the House of Lords in England is altogether an illogical body, and the hon. gentleman said that the House of Lords had a reason for being. The members of the House of Lords were originally, as the hon. gentleman said, appointed by the Crown—by the monarch in his individual capacity, and not as one of the three estates of Parliament. At that time, the position of the Lords was a consistent one. The King at that time was not only the source of honor but the source of power. At that time, the members of the House of Lords were appointed by the authority which was then really the supreme power in the State. Since the passage of the

Reform Bill in England the supreme power has been vested practically in the House of Commons, and in the Cabinet, which is now the executive in England. The monarch is not the executive any longer. The members of the upper House so far as new members are constituted, are appointed by the executive and the executive there represents the popular majority in the House of Commons; and practically at the present day—indirectly, of course, but still practically—the House of Lords are kept in touch with the people by the fact that they are appointed by the executive which represents the popular will at the time. We are not directly in touch with the people here, but the members of this House are appointed in the same way as the members of the House of Lords are to-day. We are not appointed by the Queen. The Queen knows nothing about us. We are not really appointed by the Governor General though nominally we are. Practically, the Governor General has nothing to do with our appointment. The members of this House are appointed by the executive of the day, and that executive represents the majority of the House of Commons.

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

After Recess.

HON. MR. POWER resumed his speech. He said: While I thought that the House was under an obligation to the hon. gentleman who brought this matter before us, and while he showed industry and judgment in the information that he selected and the illustrations that he gave us, I think, if I might say so, that he omitted what was a most essential thing, and that was to give us his idea as to the qualities which the second Chamber should have; and then the hon. gentleman might have proceeded to show that those qualities would be most likely to be found in a Chamber elected as he proposes that this House should be elected. The hon. gentleman seemed to think that a Senate elected as is the Senate of the United States would be the best upper House for Canada. Now I think that he overlooked, when he took that ground, the difference between the system of Government under which we live and that which prevails in the United States. We live, as most British colonies live, under a system which is substantially identical with the system of the Mother Country, and that is totally different from the American system. In all countries governed according to the British system, the supreme power resides ultimately in the majority of the House of Commons and is wielded directly by an executive which is bound to have the confidence of a majority of the popular branch of Parliament. Now, that is not the American system at all. The American system of government is an elaborate system of checks, and it would be difficult to say where the principal power resides, or what is the ultimate seat of power in the American form of Government. But under the British system power ultimately resides in the representatives of the people; and Governments constructed according to the British form have executives that are more directly responsible to the electors than are the executive under the American system. Now the second Chamber in a system such as ours and that of the British Parliament should not be equal in power to the lower House. That is not what we want. We do not want a second House of Commons: we do not want a body that is capable, as is the United States Senate, of dealing with every kind of subject. We must recognize the fact that the ultimate seat of power is in the House of Commons; and we want a second Chamber which will supplement that House and make up for its defects. Now, having laid down that proposition, I think rather an elementary proposition, I shall venture to say what I think an ideal Senate should be. It should be a body governed by a calm and judicial spirit. It should be a body made up as far as possible of upright and independent men; and it should be a patient body—a body that will take time to deal with the legislative and other business that comes before it; and of course it should be an intelligent body. Further, it should be—and that is implied in saying that it should be a calm and judicial body— a body that would not be much influenced by the passions of the hour. These passions arise in every country, and sweep over the face of the land, and are very intense as a rule for a short time; and their length of life is generally short in proportion as they are intense. The upper House should not be a body that wold be liable to be influenced

by such passions. It should be a body that should look before and after, that would not be influenced by the passions of the hour, but would look upon every question in a calm and judicial way. The principal duty of the body would not be to originate legislation, although it should do that to a certain extent; but the principal use of the upper House under the British system is to check and revise the work of the popular body. That body is likely to do things hastily, to pass measures under the influence of those ebullitions of popular passion that I have spoken about; and where a measure is passed under the influence of that spirit and the upper House thinks it is not likely to promote the welfare of the State, it is the duty of the upper House to resist the popular passion of the hour. Of course, if after the people have had time to carefully consider a question they still remain of the same mind, then as a rule it has been the practice, at any rate under the British system, that the upper House gives way. Even when the legislation of the lower House is not such as to be objectionable on the whole, it may be imperfect—it may be legislation that has passed through its various stages hurriedly. Then it is the duty of the upper House to revise that work and to atone for the want of care and study devoted to it in the other Chamber. The two principal functions of the upper House under the British system are to check and prevent injudicious legislation and to revise legislation that is imperfect.

HON. MR. ABBOTT—Hear, hear.

HON. MR. POWER—That is what the House ought to be in itself. Then, in addition to that, an ideal House ought to be a House whose work would be understood and appreciated by the people, and a House that would be respected by the people and in whose proceedings the people would take almost as deep an interest as they take in the proceedings of the popular branch.

HON. MR. ABBOTT—You would want an ideal people for that.

HON. MR. POWER—I was just going to say that that is hardly practicable. The people will take a keener interest in their representatives in the lower House, in those who have come from them last, than they will in representatives who stand a little further aloof from them. Talking of the qualities that I have indicated as being those that we should find in an ideal Senate, the question is whether or not those qualities are likely to be found in a nominated House. The hon. gentleman from Shediac and the hon. gentleman from Ottawa thought that a nominated House could not be in touch with the people; and of course they will not be as much in touch with the people as a House directly elected by the people; but, at the first blush at any rate, it would appear that a nominated House would not be more unfit to discharge the functions of an upper Chamber than a House elected by the Legislatures of the Provinces. In order to indicate that a nominated council is not regarded under the English system as being inconsistent with responsible government, I wish to call attention to the fact that there are, under responsible government, a number of nominated Legislative Councils. For instance, in Nova Scotia, before Confederation the Legislative Council was nominated; it was the same way in New Brunswick; and it appears from the Confederation Debates as reported in the volume which hon. gentlemen have seen, that the representatives of Nova Scotia and New Brunswick at the Quebec Conference were opposed to any change in the system of appointing the Legislative Councils of those Provinces. I know, speaking of the Legislative Council of Nova Scotia, that it has been a very respectable body and is so still, and discharges very useful functions in parliamentary work. Then the Province of Newfoundland has a nominated Legislative Council; and I was rather surprised, when the hon. gentleman from Ottawa was dealing with the Australian colonies, that he left out of sight the fact that the oldest, and, I think, the most respectable of all the Australian colonies, New South Wales, has a nominated Legislative Council. The constitutional difficulties which have arisen in Victoria through conflicts between the two branches of the Legislature have not occurred in New South Wales, and I do not think that there has ever been any complaint of the character or doings of the Legislative Council of that colony. To return to our own House, I stated—in fact

that was apparently recognized by every one who spoke—that there is a dissatisfaction with the position and status of the Senate, not only outside, throughout the country, and in the other Chamber, but in this House itself. I stated that it did not appear that any gentleman contended that the fault was with the individuals who constitute the House. I may go further and say that it does not appear to me that the cause of dissatisfaction is altogether in the manner in which we do a portion of our work. I think that the work, or revising and amending measures that come to us from the other branch of Parliament is fairly well done here. This House and its committees give a great deal of patient labor to the work of improving the legislation which comes to them from the other House, and in that way fulfil a very valuable function in the constitution. I may venture to say, particularly as the same statement has been made by hon. gentlemen who habitually support the Government, that if the Senate were more independent, and did the work not only of revising and amending the measures which come to us from the House of Commons, but of occasionally rejecting Bills that come from the lower House, it would be discharging its duties of checking the improvident and improper legislation better than it does, and that the people would be more interested in it than they are now. I quite concur with the hon. gentleman from New Westminster in saying that the action of the Senate last year—an action which I very much regretted myself—in throwing out the measure providing for the construction of a railway from Harvey to Salisbury, did a great deal to excite public interest in the Senate, and I am sorry to say in certain sections of Canada to decrease the respect for the Senate. If the Senate would go a little further this Session and take the step suggested by the hon. member from Victoria (Mr. McDonald), and reject the iniquitous Tariff Bill now before the House of Commons, they would earn the gratitude of vast numbers of the people of this country; and I hope that, encouraged by their success of last year, they may be tempted to manifest their independence in that direction. One of the reasons why the Senate does not do its work as well as it might be done, and why it is not as much respected in the country as it might be, is the reason indicated in the last few sentences—that it is not as independent as it should be. It is looked upon as being the mere creature of the Premier of the day. That is one of the reasons why so little interest is taken in it by the people outside. Those people, as a rule, know very little of the motives which prompt the appointments of gentlemen to this House, and they look upon the Senate as being a House that is filled with the mere creatures of the gentleman who happens to occupy the position of Premier at the present time. That fact also naturally accounts for the fact that the Senate is not as independent as it should be. Gentlemen are actuated by a feeling of gratitude, which is a natural and proper feeling, to the person to whom they owe their positions here, and it will require a great deal of provocation to induce them to oppose the desires of the present Premier.

HON. MR. OGILVIE—Only some of them.

HON. MR. POWER—There have been one or two instances where the Senate has done that, and I hope that instances of that kind will gradually become more frequent. Having said so much about the Senate as it is, I turn to the plan of appointment proposed by the hon. gentleman from Shediac; and without going into this at any length the following objections strike me on the surface. As the hon. gentleman from Charlottetown stated, election by the Local Legislatures would practically amount to appointment by the premiers of the various Provinces. It would be much better for the Liberal party, of course, if that mode of appointment had been in force since Confederation. The Province of Nova Scotia has had a Liberal Government since 1867, with the exception of four years, from 1878 to 1882; Ontario has had a Liberal Government since 1871, and the Province of Quebec has now a Liberal Government. New Brunswick has had a sort of coalition Government during the past few years. But the point is that the system of appointment by the the Local Legislatures would not give us a Senate which would be very much more representative of the feelings of the people at large than the present system. We would be a little nearer to

the people than now, but not very much nearer. Because, although a Liberal leader has been at the head of the Government of Ontario since 1871, the people of Ontario are not all Liberals by any means; and this system of allowing the local Premier of the day to make the appointments to the Senate would give us here a one-sided representation of the public sentiment of Ontario.

HON. MR. McINNES, (B. C.)—But it would not be left to the executive of Ontario but to the whole legislative body.

HON. MR. POWER.—It would be in form, but it would come to this: that it would be practically an appointment by the Local Government of the day. This is the first objection to the system which the hon. gentleman has outlined. Then there is another objection, that seats in the Senate under that system would in some cases very probably be purchased by a large contribution to election funds.

Several HON. GENTLEMEN—Hear, hear, and laughter.

HON. MR. POWER—I think it is very ungenerous of hon. gentlemen, when I am trying to be fair and reasonable with the House, not to be fair and reasonable with me. I may say now what I did not intend to say before, that it is stated that some hon. gentlemen owe their seats in this House to that same thing. In the United States, there is hardly a doubt but there are seats in the Senate purchased; and it has got to be so in that country that a seat in the Senate is rarely to be obtained except by a very wealthy man, and that the Local Legislatures are bought, whether the funds contributed by candidates for the Senate go for electioneering purposes or go directly into the pockets of the local legislators I do not know, but of the fact of purchase I have no doubt, for I have seen it stated in some of the most respectable newspapers published in the United States.

The third objection is that a Senate elected in that way would be just as partizan as the Senate of to-day is. The hon. gentleman from Shediac and the hon. gentleman from New Westminster have said that those gentlemen elected by the local legislatures would be above party, but it occurs to me that under the British system of government—whether it be for good or ill—party runs right through from the top to the bottom of our political system.

HON. MR. McINNIS (B. C). I did not say that, but I said that hon. gentlemen appointed in that way would come here perfectly untrammeled and not under the influence of either party here. They would come as the representatives of the Provinces.

HON. MR. POWER—We have not got quite as far as they have in the United States, where, down to the smallest municipal election, it is a question of Republican and Democrat, but we are Liberals and Conservatives, in some cases, even in the Municipal elections, and from that up to the highest point to which you can go, the gentlemen appointed to this House by Liberal Legislatures would be thorough Liberals, and those appointed by Conservative Legislatures would be thorough-going Conservatives, and I do not think we should gain anything in the way of absence of partizan spirit under that plan. There is no doubt that a Senate appointed in the way the hon. gentleman proposes would interest people at large more than it does as at present constituted, for people pay more heed to what goes on in the Local Legislatures than they do to what goes on here, and in the Local Legislature they would keep an eye on appointments to this House, and people would naturally take more interest in a Senate appointed in that way than in one appointed as the present House is. I think it is desirable that there should be a change, although I do not know that there is any very urgent necessity for it. However, a change is apparently desirable, and I am disposed on the whole to favor the plan suggested by the hon. gentleman from Ottawa. That plan was in operation in the old Province of Canada before Confederation, and, on the whole, gave pretty general satisfaction. There is one principle, about which, I think, there is no doubt, that, as a rule, the more you enlarge a constituency, the higher will be the character and standing of the men who will represent the constituency. The smaller you make a constituency, as a general thing, the nearer you get to ward politics; and there is no doubt that elections by larger constituencies, embracing each, say about three of the present constituencies for the

House of Commons, would necessarily give us men of a superior stamp. I do not think that the objection taken to that system by the hon. gentleman from Shediac is a very substantial one. I know it was mentioned during the Confederation debates, but I do not think that there was a great deal in it, that the labor of canvassing a large district was too great to be undertaken by a man of mature years. I believe that the size of the constituency would render it impracticable for a man to make a personal canvass of a district. He would not be expected to do it; and for that reason, as well as for the other reasons that I have already indicated, the candidate to be successful, should be a man well known and respected throughout the whole district. There is no doubt that the result was satisfactory. We got good men, and I have never heard that there was any complaint whatever, as to the manner in which the elected House of old Canada did its work. A House elected in that way, would be more independent than the present House; because those Senators would feel that they had their mandate from the people as directly as the members of the other House, and they would be in a position to speak out their minds just as boldly and as freely as the members of the House of Commons. I think too, that while they might be pretty good party men, their partizanship would be practically of broader character than that found in the House of Commons, or even in the Senate as it now exists. The smaller the constituency the more bitter the fight as a rule. The late Joseph Howe, who was a very shrewd man, as well as a distinguished politician, used to say, "the smaller the pit the more fiercely the rats fight." I think there is a great deal in it—the wider the constituency, the greater the tendency to broaden a man's view of politics. A House elected that way would necessarily be respected by the people at large, and the people would take more interest in those gentlemen whom they had themselves voted for and elected than they would take in men appointed in any other way. There is no doubt that the people who vote for a man like to watch his career. They take more interest in his sayings and doings than in the sayings and doings of a man in whose appointment they have had no say. There is another point which occurs to me in connection with this plan, and I would suggest it to the hon. gentleman from Shediac, who spoke of the respect felt in the United States for the Senate there. I am satisfied that if the United States Senators of the present day, instead of being elected by the local legislatures, were elected by the people of each State, they would be much more highly respected and would be a much higher class of men than they are. Of course one cannot, in the course of a discussion like this, go into the details of a plan. This amendment has been suggested to the plan that was in operation in Canada before Confederation, that each Province should be divided into a certain number of districts—say the province of Quebec into 3 or 4 districts, each returning a certain number of members to the Upper House and electing them under a system of minority representation. In that way you would get a representation of the minority of each of these large districts. However, it is possible that the system which was in force in Canada before Confederation, would on the whole, work as well as any modification of it that we can think of just now. So much about the proposed change in the constitution. I think it is possibly desirable that there should be a change in the present system; and, as far as my impressions go at present, the change should be in the direction indicated—that is that we should go back to the system which prevailed in Canada before Confederation. We have not had anything from any member of the Government or from anyone entitled to speak on their behalf on this question; and unless the Government take the matter seriously in hand, it is not probable that any change will be made at an early date; and under the present system we can do a good deal to improve our position before the public. For instance, I think we might, at very small expense, provide some means for making our proceedings better known to the public than they are at present; and I think we could also, as has been indicated already, be a little more independent than we are. It is strange to see that there is more independence amongst the few members of the Opposition, who are here, than there is amongst the Government supporters. What I mean is this: that the members of the opposition are more likely to take a course different from the course of their party friends in the House of Commons,

than the majority are likely to take a course different from the course of their friends in that Chamber. It has been hinted during this debate that gentlemen who have been appointed to seats in this House by the present Government and who afterwards occasionally venture to think that the present Government are not infallible, manifest ingratitude. I think the hon. gentleman who took that view cannot have considered the matter very carefully. As a rule, a gentleman who is appointed to the Senate has rendered important services to his party; and when he is appointed to the Senate, it is merely a recognition of his claims on the party, and he and the party are about even when he comes here; and he ought to be in a position after that to vote and speak in the interests of the country and not in the interests of any party. As some hon. gentleman has said, the Government of the day have not treated this House as they should treat it; and I think the best way to get a reasonable number of portfoliod Ministers in this House and make the Senate respected would be to make ourselves felt by taking some decided action with respect to some important Government measure. I intimated at the beginning of my remarks that I was not prepared to deal with this subject as I ought to be; and I regret to say that there seems to be a disposition on the part of a good many members of the House not to treat this resolution very seriously.

HON. MR. HOWLAN—I think the hon. gentleman who brought this motion before the House deserves a great deal of credit for the industry he has displayed and the information he has supplied us with on this particular question. But while I say that, I can scarcely agree with him in the conclusions which he has reached. It must be apparent to those who have watched public affairs in the Dominion of Canada that a very short period has elapsed in the nation's history since the formation of this great Confederation, and at that time the ablest and the wisest men had charge of the destinies of the different Provinces of the Dominion, who sat down, so to speak, filled with the largest amount of patriotism it is possible for this or any other House to command. They were gentlemen who had been leaders of their Governments—who had been advisers of Her Majesty in the different councils of the Provinces—men of vast and wide experience—men who, although differing on party lines and party views, nevertheless, felt there was great necessity that they should come together and form one strong, compact body to govern this country according to the well defined principles of the British constitution. Some experience was had, but very little at that time, with regard to an elective legislative council. The first Province that had one was Prince Edward Island, although one of the smallest of the colonies in British North America. It arose from a state of affairs which could not possibly exist in the other Provinces of Canada, at that particular time. It arose from the fact that all our lands were held under lease somewhat like under the seignorial titles in Lower Canada. We had our lands granted away in 20,000 acre townships in one day in the City of London, and they had gone from the original grantees into the hands of money dealers, and changed from their hands into the hands of others who had no direct interest in them other than to make what money they could out of the people of the country. The local Government felt the necessity of some settlement of this important question, and that some expression of opinion should be made. Coincident with the existence of responsible Government in the Province of Canada, responsible government became the government of Prince Edward Island. It was thought that as we had no freehold estate, that as all our lands were lease hold, and as the voting power of the people was controlled by the agents of the landlords, that a free vote could not be given, and, as a consequence, about 1848, the establishment of a franchise and a constitution, the foundation stones of which were a free school, a free franchise and a free vote. We were the first to adopt it, and in that way responsible government was ushered in, and the people elected to the lower branch of the legislature, what might be called non-property representatives. Then it was thought there should be some representation of property, —in other words, that with a free franchise, voters would swamp the property holders and chaos would take place, and it was considered necessary to have an Upper House. While members of the Lower House were required to have a property

qualification, members of the Upper House were not. It was thought that a colony like ours would have a great advantage in having the experience of educated gentlemen, retired officers and other men of large experience, in the Upper House, requiring no property qualification, but the voters for the Upper House were required to have property qualification. Now, how did that work? We have had about thirty years experience of the working of that system. To-day we have in the Upper House in the Local Legislature a Liberal majority; in the Lower House, lately returned from election, the majority is Conservative. Four years ago the Government were returned with a Consevative majority of four, and more recently with a majority of one, and the two Houses have been at loggerheads. The lower House said that as they had just come from the people they were to all intents and purposes the representatives of the people; while the gentlemen of the Upper House, elected for seven years, some of them dropping out every three or four years, say that they represent the property owners, and, as a consequence, we have two sets of legislators who say they have a right to represent the people, and the practical working of the system is that the majority of the Lower House are unable to carry out their views in consequence of the opposition of the Upper House. It has also been clearly demonstrated that a legislature of thirty members in the Lower House and thirteen in the Upper House is rather too large for so small a Province, and its alleged circumstances since Confederation, and it is the opinion of the people of Prince Edward Island that the Upper House should be done away with and the Lower House reduced in numbers. Still, from the fact of these gentlemen of the Upper House having the power in their own hands, the people are unable to carry out such a reform. Here, at Ottawa, we have a practical illustration of the working of the elective principle and the nominative principle. We have gone on for thirty years building up this country and increasing our revenue from fourteen millions of dollars to thirty-eight millions of dollars, and we have not yet found an abrasion with regard to our constitution. That the system is a sound one is proved by the resolution before the House to-night, and the tenor of the debate that has taken place upon it, which shows how entirely free we are from any complications. These gentlemen who paid any attention to the debates on Confederation, will remember that two distinguished men, the Hon. Geo. Brown and the present leader of the Dominion Government, gentlemen who had responsibilities on them with regard to the government of Canada, both agreed on a nominative council. There was a consensus of opinion in that direction. We have had nothing since in our experience to show that they were not right in adopting it. We have passed a great many important measures, and have had a great deal of excitement in the country, and we know that at the present time there is a good deal of unrest in the public mind on certain public questions. That must always be the case under a constitution like ours where freedom of expression, freedom of debate and a free press, exist. It is one of the results of such a system; and there is no use in ignoring it. The constitution under which we live, the English constitution, is, if I may so speak, like a ship at sea. When she leaves port, she has to trim her sails for the voyage, but hanging upon her bows she has two anchors and two chains ready for any emergency. When she comes into port she drops her stream anchor and rides safely into the harbor; but if a gale springs up she drops her sheet anchor and rides out the storm. So it is with our constitution. The lower House is the stream anchor of the constitution; the other anchor is the Senate that enables the constitution to meet any strain to which it may be subjected. We ought to be obliged to the hon. gentleman from Acadie for introducing this resolution. I, at all events, desire to express my gratitude to him, and I think I am expressing the gratitude of hon. gentlemen around me, for having so clearly pointed out that, so far as we are concerned, we are not to be disturbed. That is very pleasant and assuring at our time of life, but I may say to my hon. friend that he is a very young man yet, and, some day, he may lead this Senate, and I say to him, if we are sailing along at the present time with a smooth sea and no difficulties staring us in the face—with a country full of prosperity, with an increasing revenue, with our credit standing high in the money markets

of the world, and second to no colony under Her Majesty's Crown—what right have we to legislate for difficulties that have not arisen, and may never arise? We have sailed along peaceably and gone on building up and developing and maturing this great country for still larger flights of greatness, and this Constitution of ours has been sufficient to meet all emergencies, and has proved to be perfectly elastic. How much better would this country be, supposing the present Senate were superannuated—and I am quite ready to go myself on such conditions—and other gentlemen were to take our places here under an elective system? I question very much if, under such a system, we could get any better representation than we now have in the Senate. We have some hon. gentlemen here unusually silent in their seats and seldom heard from in debate who, nevertheless, are very valuable men in the Committees on Banking and Commerce, Railways, Telegraphs and Harbours and other Committees, and who bring a wise and matured judgment and a vast and broad experience to the consideration of the measures brought before us. They are gentlemen who come here with large business experience, men that you might not be able to find here if they owed their position in the Senate to the elective system. I doubt very much if we would find managers of banks or directors of great railway corporations, who would canvass 1200 miles of territory for the sake of a seat in the upper House. I see gentlemen around me representing large mercantile enterprises, lawyers, bankers and manufacturers—men of easy circumstances and large interests, and is it for a moment to be considered that men of this character will undertake the hardships and difficulties of canvassing such immense districts as are suggested under the system proposed by the hon. gentleman, to be elected to the Senate?

HON. MR. POWER—They would be elected without canvassing.

HON. MR. HOWLAN—I have gone through several elections myself and I have never found that I could get elected without canvassing. I have known gentlemen to lose elections in that way.

HON. MR. POWER—You had not room to go very far in Prince Edward Island.

HON. MR. HOWLAN—No, but Prince Edward Island need not be ashamed of her representation in this and in other houses, but when it comes to a question of size I admit that both Prince Edward Island and Nova Scotia would be lost in the great North West. In every other respect, we would be quite willing to be compared with any other Province. I do not intend to detain the House very much longer, but I do say this, that I am glad the question has been brought up in this House, because there is no doubt there is a great deal of unrest in the public mind, and in the minds of Senators, that we have not got the representation in the Government that we ought to have on the floor of this House. But every hon. gentleman who has had anything to do with the Government of a province or of a party must know that it is a very difficult task that the leader of this Government has to do. He has to take two elements that constitute the great majority in this country and put them together and make a Government of them, and under such a state of affairs the Government cannot always find itself in a position to give us two or three Ministers in this House. At all events, after this debate, the current of opinion on these benches will be seen by our leader and he will lay the matter before his colleagues, and I have no doubt that in the near future we may get the representation in this chamber that we desire. It is true we might assert ourselves by throwing out two or three Government Bills. In my experience I find it is one thing to raise an evil spirit, and another thing to lay him when you get him raised. I was not present last year when a Government Bill was thrown out of this House. At all events it appears to gratify the hon. gentleman opposite that it was thrown out, and I am glad to hear him say to-night that although he was opposed to that vote he believed it brought a great deal of credit to the Senate. I never saw any great show of party interest with regard to measures that were looked upon as doubtful in this House, and if the day does come when by a change of public opinion the Liberal party comes into power, and the majority of this House are found to be opposed to the legislation of the other House, it will be time enough to find a remedy—if the remedy we already find in

the constitution is not sufficient. If there is anything in the wide world we should be careful of it is not to tinker with our constitution. That we have a good constitution what more positive proof do we require than we have at the present time, and all that we require to allay any feeling that may exist against the Senate is that the Government should appoint two or three of the Ministers to this House. Really it was the only valid reason that cropped up in this debate that me should have a change at all. If we make the Senate elective, necessarily, the electors who send representatives here, will demand that they shall have some power. In the first place, if you make a property qualification, you will have these men coming here and saying: "We are the representatives of the property owners of this country." If a deadlock should come between the two Houses, without any good reason, very likely what would be done would be to cite half a dozen leading gentlemen of this House before the Governor General to hear our views, and if he had substantial proof that the course we were taking was in the interests of Canada his Ministry would be dismissed and sent to the country. Now, how could that be done supposing this House represented the property of the country? They would at once object and say "You must not send the Ministers back to the country for election; we are the people; we are the country." His Excellencey would not listen to such a proposal; but would say that his Ministers had obtained power from the country by votes obtained in the proper and constitutional manner from the people and until he lost confidence in these Ministers, he was bound to take their advice and if the ministers could shew that the course of the Senate was not warranted by the facts and circumstances he would say "gentlemen, if you persist in your opposition and refuse to pass the Supply Bill, then, you must go to the country," and I do not see why we should adopt the plan proposed by the hon. gentleman from Aadia that would bring about such a state of affairs. I believe that the course taken at Confederation to consolidate British interests in British North America was the wisest and best that could be adopted, and the best proof of that, is the fact that for twenty years we have gone on peacefully in this Dominion without having any difficulty except the little breeze we had recently in the North West. Therefore I say it would be unwise for us to tinker with the constitution until circumstances arise that necessitate it. The mingling of the tricolor and the Rose shews the homogenous nature of our people. I could not help smiling the other night, when I heard at a social gathering Frenchmen signing the Marseilles and Englishmen joing in the chorus and the next moment the English singing the "Red, White and Blue," and the Frenchmen joining in the chorus. I only thought that if our forefathers could have heard such a thing they would have turned in their graves. The Confederation of Canada is a lasting monument to the men who framed the constitution of this country. On one side of this building we have a monument to Sir George Cartier, a representative of the great French race without whose aid our constitution could not have been a success, and I do hope that on the opposite side of this building when the time comes, though I hope it may be far distant, we shall see another monument to Sir John Macdonald, so that other men who may take our places here will be reminded by these monuments to be very charey how they tinker with the constitution of this country.

Hon. MR. OGILVIE—There is one thing that has been forgotten both this afternoon and this evening. Every gentleman that has spoken on this question, spoke of members of this House as if they had all been nominated by the Executive, and had never been elected. If anyone will take the trouble to analyse the list of Senators in this House, he will find that a very large majority of them, say nearly fifty, have been elected to one or the other branch of the Legislature, so that, after all, the majority of the members of this House are gentlemen who have been the choice of the people before they came here. That is one thing which hon. gentlemen should bear in mind. I cannot say that I feel, as some hon. gentlemen said this afternoon, very much obliged to the hon. gentleman who brought this question before the House, for in my mind it was quite unnecessary. I think it is quite time enough when we meet troubles to prepare to find some remedy for them. At present troubles do not

exist. We are sailing along very quietly and very prosperously, and I do not think there is any very great trouble about nominations to this House being associated with feelings of gratitude to the Government that appoint us, for we have a great number of examples certainly, where gratitude did not last very long, to say the least of it. If it did exist, it was of short duration. I think it would be very questionable, indeed, if we would get as good a body of men in this House by election as we have now by appointment.

HON. MR. CLEMOW—So far as this debate has proceeded it is manifest that a variety of opinions exist with respect to the matter under consideration. The hon. gentleman who introduced this measure considers that it would be an advantage to the Dominion that Senators should be elected by the Local Legislatures. In that case this House would represent the minority of the entire population where, as at present, they certainly ought to represent the entire population of the Dominion. You would remove from the larger body the power and transfer it to the lesser body. That is an advantage which is, in my opinion, very doubtful, and I do not think that the people of the country will assent to it. It is stated that there is considerable feeling in the country respecting the constitution of the Senate. Occasionally newspaper articles do appear on this subject. Politicans having views at variance with those of the majority of the Senate express themselves in plausible terms, but I have yet to learn that the great mass of the people are not perfectly satisfied with the constitution of the Senate as it exists at the present time. We are referred to the constitution of the United States. Some hon. gentlemen seem to be always disposed to take the United States as an example. For my part I do not wish to imitate them in that or in any other respect. I find that prize fighters are nominated to the United States Senate, which, I think is not very creditable to the nation. Another gentleman proposes that the election should take place in a different way from the election to the Commons—that the property owners—the millionaires of this country should have an election of their own for the appointment of Senators. What would be the effect if that were the case? We would have a cry all over the Dominion that the bloated millionaires wanted to control the country by having their own representatives in the Senate. I do not think that that would answer at all. I have had the honor of occupying a position in this House for several years, and I may say that I have never been approached by any member of any Government or by any gentleman connected with the Government with reference to the course I intended to persue in this Senate. The course I persue is to judge every measure on its intrinsic merits. I have given every measure on which I have voted the best attention I could, and have voted on it conscientiously and without bias or favor, and without any desire to serve one party or the other. My hon. friend from Ottawa wants to make a political point of everything. It is extraordinary that this gentleman who occupied a position in a Liberal Govment, did not take this matter into consideration at that time, and endeavor to remodel the Senate. It would not do, however, to undertake it then, and I guarantee that if the Reform party came into power to-morrow, we would hear nothing more of the abolition of the Senate, or a change in the manner of appointing members to the Senate. It may be done with the very best motive. I am not going to impugn the motive of the hon. gentleman who introduced that resolution, but being a young member myself, I would have considered it great presumption if I were to take part in the discussion, if I were not a few days older than my hon. friend who introduced the subject, and that may be considered an excuse. If you can find no other cause of complaint than the one that we have heard to-day, it is rather in favor of the constitution of the Senate as it exists. The hon. gentleman from Halifax says that we are a revising body and that we should, whether right or wrong, send measures back to the other House. We have been told that during the Mackenzie administration a great many bills from the Lower House were rejected here. I do not know if that is so, but if it is the case, it only confirms in my mind the impression that the bills were not properly prepared by the Government, and the Senate was obliged to reject them. This matter has taken a considerable time and I have no doubt it will be discussed at greater length, but what seems the most

selfish part of the affair is this, that the hon. gentleman is willing to have the future nominees of the Senate appointed by some other power than the central Government, but he wants the present members to remain in the Senate as long as they live. I think if there is to be any remodelling of the Senate there should be a clean sweep, and let every one come in on a fair basis, because it would be a most extraordinary doctrine, to my mind, that you should have men here representing different systems, either of election or nomination. They would come in conflict with each other, that would be certain. Therefore, I think the true way would be, if we think there is anything which requires remodelling, to make a sacrifice of ourselves on the altar of our country. If we show that disposition we will meet with public approval—we will retire and allow others to be returned by some other system. My confrère entered the Legislative Council under the old system. He knows what elections under that system were. The old elections were of a most expensive character. It was almost impossible to traverse the whole country, and I do not think that men would undertake it except under very different circumstances, and do you think there was any difference in the kind of men elected or the tactics employed? No. In some cases elections were carried on with great virulence and extreme measures were resorted to to secure the return of the candidates under the elective system. Therefore, there would be no change in that respect, and I do not think under all the circumstances, that you can improve matters unless you make a total change, and in that case we should leave our places here and allow our positions to be filled by gentlemen in whom the country has greater confidence. But until there is a general opinion expressed adverse to the Senate, we should stay where we are. It is true there are some articles published in the newspapers on the subject, but if the writers were to put their names to them you would not think they amounted to much. They appear anonymously and seem to represent the views of a party, whereas they represent only the views of the writers. I do not think that they reflect the popular opinion of the country, and they should not be taken into consideration at all. We should meet those difficulties when they arise as men. Another argument that has been used is that there is not sufficient employment for the Senate. That is an argument without any force. Everyone admits that our work is done well—that every care is bestowed by the Senate in perfecting the legislation which comes before it. It is said, and I believe it will be the case, that the Government will give more work to the Senate very soon, so that there will not be so many adjournments. Another complaint that is made is that we have no Minister of the Crown in this House with a portfolio. I do not know that we have anything to complain of in that respect. The House has been well led and we can find no fault with the Government on that account. I have no doubt that the Government will make the change which is desired as soon as circumstances will permit but such changes cannot take place at once. We know the difficulties with which the Government have to contend, and we must give them time to reflect on these matters. I have no doubt they know just as well as we do that it would be desirable if two or three gentlemen holding portfolios could be in this House, giving them additional power in the Senate. I do not know, however, that we have much to complain of because of their absence. I have been but a short time in the Senate, but I am conscious of having done my duty to the extent of my power, acting conscientiously and without any inteference from the Government. No member of the Cabinet and no one representing the Government has asked me to vote one way or another on any question. I have voted on my own responsibility and I intend so to do until the end of the chapter. If a Liberal Government came in, I should do precisely the same thing. I think it is right when we come here that we should throw aside any partizan spirit that we may have entertained and view public questions calmly and dispassionately. I never was elected a member of any legislative body before I was appointed here, as the hon. member from Montreal was. That was my misfortune and not my fault, but I am willing to be instructed by my elders in the Senate, and I have found great advantage by taking advice from various gentlemen here in many matters on which I had not sufficient information. I think if gentlemen would act that way and we

would make up our minds to do what we should for the purpose of improving the tone of the Senate in place of bringing forward resolutions which may have an injurious effect—because we all know that the enemies of the Senate will take hold of this and tell us that our own members feel the need of reform—no radical change will be necessary. I am a Conservative; I want to conserve what we have and I think it will be time enough to make a change when reform is needed. The Conservative party are the true reformers when reform is necessary, and it will be time enough to make a change when reformation becomes indispensable.

HON. MR. KAULBACH—I wish simply to emphasise what has been said by a large number of gentlemen with regard to not having a sufficient number of portfolios in the Senate. I believe that is the only cause of dissatisfaction here, and I think it is the cause of dissatisfaction outside. If we had three or four Ministers with portfolios in the Senate, I think all the difficulties would be overcome. Every member who has spoken in favor of some change has admitted that the Government have made wise and judicious appointments in nominating the members of the Senate, and therefore there is no difficulty on that score. The Government for the time being is responsible for all its acts, and if they should be imprudent in their appointments here, it would reflect on them, and they are responsible to the people. In no other way do I believe the Senate should be selected unless you make it elective. That I see no necessity for yet. Many objections have been raised here to that mode of constituting the Senate, which I think are very forcible. If we were elected we might place ourselves in a position of hostility to the other House. With regard to the failings of the United States system, the Senate in that country is not composed of the majority, but largely of the minority. When you find a small State having the same representation in the Senate as a State with twenty times its population, and more than twenty times its wealth, it is not a body that is representative of the population. Frequently the position of parties in the two Houses causes a dead-lock. You find parties arrayed against each other—the House of Representatives against the Senate—and very important bills, bills affecting the interests of this country, bills affecting our fishing interests, have been thrown out by one party simply for the purpose of embarrassing the other. A treaty which was believed by the President and his Cabinet and by a majority of the House of Representatives to be desirable in the interest of the country was rejected simply on party grounds. I think there is nothing in the constitution of the United States that we should desire to copy. They have no responsible Government there. There Government can hold office during the term of the President irrespective of the support of the people. I do not see anything here that requires a change. I have expressed my disapprobation of this resolution before us, because it comes from a young Senator—I thought it was not only premature, but it did not come with that consideration which it would receive from an older Senator. I think at all times it is dangerous to tinker with the constitution of the country, but I am pleased, after the long debate we have had on this subject, to find that scarcely any one who has spoken has suggested that the members of this body have been unwisely selected. All believe that the Government of the day have been wise in their appointments to the Senate. Now, with regard to our standing in the way of legislation from the other House, if the Government should be in the hands of those who are not in harmony with us on political grounds, I would remind the House that when a Liberal Government was in power, though we threw out several measures, every action of the kind met with the sanction and approval of the people. I have listened patiently to find if there was anything which could be urged requiring my opposition to it, and I have heard nothing. The discussion today has established the fact that if the Government will only give a sufficient number of portfolios to the Senate, this body is quite able to do a larger amount of work than it has done. What work we do is done well—that is admitted. We ought to have more legislation given to us and I hope that the leader of the House will impress on the Government the importance, in the interest of the public business, and to expedite legislation and prevent us from remaining at the Capital for weeks longer than we should, to give this

House more work than it has had hithero. Then we would hear no more of those holidays which I have always opposed. I am willing always to do my duty. Nothing pleases me more than to be at work; it is injurious to me—I feel that my constitution suffers when I am idling away my time.

HON. MR. VIDAL—While the resolution which has led to such an interesting discussion has unquestionably brought out much that has been interesting in the addresses to which we have listened, I question the propriety of its being introduced in this House. In the first place I doubt the existence of the foundation on which the whole structure of the argument is built. That foundation is alleged to be the supposed fact that this House has lost its prestige and is considered useless; and it seems that amongst ourselves there are some who do not fully believe that this House is of any great value in our political system. Now, I entirely deny both these propositions. I believe, with my hon. friend from Monck, that, so far from the Senate having lost any prestige in the country, it is better known and more highly respected in the country than it was a few years ago, and I am persuaded that the more fully people become familiar with the care and diligence with which all legislation is examined by this House, and the fairness that is exercised in dealing with every question that comes before us, the higher shall we rise in public esteem. The only ground upon which there is any real dissatisfaction among the people with respect to the Senate, really rests upon the fact—which we are not responsible for and which is to be regretted, but cannot be helped, as far as I can see,—of the very limited extent of our powers. We are spoken of in comparison with the Senate of the United States, for instance; but there is little resemblance between the two bodies. In the Senate of the United States there is vested a large amount of executive power; it can sanction, or refuse to sanction, treaties with other nations; it controls all important appointments, both foreign and domestic, and in many other ways exercises a very decided influence, and consequently is more prominently brought before the notice of the public, and its actions and deliberations receive more consideration than is given to ours. We have none of those powers, and consequently none or but little of such influence. Our duties are very simple, but at the same time they are very important. In the course of my somewhat long experience now in the upper House, I have come to the conclusion that it is not only necessary, but a very valuable part of our political system. My hon. friend from Shediac, in his speech introducing this matter, used arguments which, carried to their logical conclusion, would not merely be damaging to the mode of appointment of Senators, but would lead to the abrogation of the Senate altogether. That appears to be the only logical conclusion of his arguments, and I do not think that conclusion is right. The existence of the Senate was determined upon by those able, experienced and patriotic statesmen, to whom the hon. gentleman from Alberton has alluded, who gave much time and careful consideration to, and brought vast experience to bear upon, the formation of the Federal constitution. In their opinion a Senate, appointed by the Crown, was an essential feature which should be embodied therein. Hon. gentlemen know that the late Hon. Geo. Brown was a very pronounced Liberal far in advance of many surrounding hon. members holding similar views. He never was in favor of an elective Legislative Council. From the very first he opposed its introduction into Canada in 1857. When Confederation was being discussed in 1866 he spoke in opposition to an elective Council. I will just read a few words that he then uttered to show that he still entertained the same view after an experience of having a partially elective Council for several years.

HON. MR. POWER—That was not the only mistake that Geo. Brown made.

HON. MR. VIDAL—It must be borne in mind that this opinion was expressed after nearly ten years experience of the system, so it received a very fair and satisfactory trial—he said:

"I have always been opposed to a second elective chamber and I am so still, from the conviction that two elective houses are inconsistant with the right working of the British parliamentary system. I voted almost alone against the change when the council was made elective, but I have lived to see a vast majority, of those who did the deed, wish it had not been done.

That was his judgement of it after 10 years experience.

The main reason why, in my judgment, it would be unwise to adopt a system of that kind is this: That if this Senate was elected in a similar manner—although for larger constituencies than those of the House of Commons—how naturally would arise the idea in this House, that we should have control of the public purse equally with the House of Commons, and that the adverse vote of the Senate should upset a Ministry as well as a vote of the House of Commons.

HON. MR. POWER—The constitution would naturally provide against that.

HON MR. VIDAL—If we were the representatives of the people, elected directly by the people, I cannot see how the constitution could say that other representatives elected by the people for smaller constituencies should have greater power than we should have. It seems to me that we should be entitled to co-ordinate powers with the other branch of Parliament, and it would naturally lead to a conflict between the two bodies. I do not think the system could be carried out consistently with the principles of the British constitution. Now, my hon. friend does not propose that the Senate should be an elective Council after the old fashion. He proposes that the election shall be made simply by the Legislatures, not by the people of the different Provinces. It has been very clearly and distinctly shown to us that this, in effect, would be nothing more or less than the nomination by the Premier of the Province. Any person that he chose to nominate in his own assembly, where he would command a majority, would necessarily be elected. What would be the result of those appointments? I cannot see how anybody could take a different view of it. Gentlemen sent to this Chamber would be naturally selected, because they were prominent party men, and they would certainly introduce into this Chamber a partizan spirit which now prevails to so very limited a degree in this body. I am satisfied that if an unprejudiced outsider were to examine our records—to look at the votes taken on all sorts of questions—he would never be able to point out the party lines of the members. There may be occasions when old party feeling may be displayed, but such exceptions are very rare. I claim that the treatment of measures in this House has been, invariably, on their merits, quite irrespective of the source from which they emanated, and so far from being in any way bound to carry out the wishes of the Government, or to blindly support their measures, I think we have shown our independence on various occasions, and I am satisfied we will do so again on any and every occasion when it is necessary or desirable. We would never reject any measure simply to show our independence, but when a measure comes before the Senate which in our judgment is not needed or is not likely to promote the best interests of the country, then it becomes our duty to act on that conviction no matter where it comes from and no matter how the leader of the House may exert his eloquence in its defence. With all his persuasive power, he has sometimes failed to carry a measure of that kind, and the House has acted, as it should always act, on its own judgment and rejected the measure however earnestly pressed on them. Surely that should indicate a degree of independence for which we should get credit. Sir John Macdonald himself, when the debate on the Confederation of the Provinces was going on, spoke with reference to the old elective council and he certainly admits that it was to some extent a failure. He said:

> I hold that the principle has not been a failure in Canada, but there were some causes which we did not take into consideration at the time why we did not so fully succeed in Canada as we had expected.

That, I think, is a very candid admission that the elective system has not succeeded as they had expected it would. After ten years trial of it those wise, patriotic, earnest statesmen who had no object in view but to give us a constitution which should suit our circumstances and secure peace and prosperity in the country, agreed that the experiment should not be tried again. Sir John Macdonald also said in relation to the position and character of Senators some very interesting things. He pointed out the distinction between the proposed Senate in Canada and the House of Lords in England and showed that there was really no parallel at all between their position and ours. He showed that although called to this position we were still men of the people—that we went back to our friends, and were just on an equality with those that we met around our homes—that there was no social distinction here such as there was in England. An

appointed Senate was, however, the nearest approach that could be made to the British system under the circumstances, in his opinion.

HON. MR. DICKEY—Because they were hereditary.

HON. MR. VIDAL—Yes, because they were hereditary. I venture a further remark with reference to the Senate of the United States which has been so prominently brought before us by several gentlemen who have spoken. I have not that intense admiration for it that has been expressed as being so general throughout the world. I think the Senate of the United States is about as partizan a body as can be found anywhere, and when we know the circumstances alluded to by the hon. member from Prince Edward Island, when we know that a treaty just, fair and likely to remove friction between the two countries was brought before them and rejected simply because of the partizan spirit of the majority, I am forced to the conclusion that a body that would so act has forfeited the claim to be considered an example for the rest of the world. My hon. friend from Ottawa (Mr. Scott) made a remark not particularly pertinent to the question before us, but which I do not like to permit to pass unchallenged. It was a statement which took me by surprise. I thought, can it be possible that I have been under such a mistake ever since the last general election to the House of Commons ? He gave us to understand that the Province of Ontario was largely Liberal, giving as proof the fact that Mr. Mowat's Government continues in existence there for so many years, and indicating that its apparent Conservative character as shown by its representation in House of Commons was by a process of gerrymandering the electoral districts, so as to make a minority appear a majority. Since our recess, at six o'clock, I have taken the trouble to carefully examine the records ; I have added up the election returns for the whole Province of Ontario and what do you suppose is the result ? So far from finding that the Conservative votes formed a minority, I find that throughout the whole Province they amounted to 6,442 more than the Liberal votes. I should think that ought to put at rest forever the statement which my hon. friend made. Whatever might be the result in a few constituencies of an alteration of their boundaries, ceases to be of any value when compared with the Province as a whole.

HON. MR. PROWSE—Did you give the figures for the House of Commons or for the local House ?

HON. MR. VIDAL—The House of Commons.

HON. MR. PROWSE—Can you give us the figures for the local House.

HON. MR. VIDAL—No, it is of the House of Commons that we were speaking and of the political parties of the Dominion.

HON. MR. McINNES (B.C.)—Is that the last elections ?

HON. MR. VIDAL—Yes, I was speaking of the last election returns.

HON. MR. McINNES (B.C.)—He (Mr. Scott) was speaking of a period of 12 years.

HON. MR. VIDAL—I understood his remarks to apply to present circumstances as shown by the last election. I have not looked into any other. The claim which my hon. friend from Shediac makes, that there should be a change in the constitution of the Senate, rests largely on the allegation that our power is so limited. I cannot see how his proposition, if carried out, would add to our powers or influence. Consequently the change is entirely unnecessary and would be productive of no good at all. It has been repeatedly urged during this debate, that we are not in touch with the people. This also I do no admit. I hold that we are very closely in touch with the people and I am quite sure from the tone of the debates in the House, when a question of any importance has come up, that the rights and interests and well being of the people are upper most in every mind and they appear in every argument, showing that we are closely in touch with the people—in sympathy with them and endeavoring to guard their interests and to do the best we can for them. Some remarks have been made about the character of the Senate and its tendency to show a little partizan spirit. I ask the hon. gentlemen who have been here a good many years, whether during

the time the Liberal Administration was in power, from 1873 to 1878, there was any ground for saying that the Senate stood in the way of their measures, or offered factious opposition in any way; or that the Government of the day was unreasonably opposed by the majority in this House? I challenge them to show any single occasion on which they threw any impediment in the way of the Government carrying out its policy.

So far from that I remember a very important Government measure being brought in towards the end of a Session, a measure which several members not in sympathy with the Government objected strongly to some of its points, but came to the conclusion that they would not amend or defeat it—it was too late in the session to make alterations—so it was decided to let the measure pass and let the Government take the responsibility of it, thus showing that there was no inclination whatever on the part of the Senate to throw it out or jeopardise it by amendment, because the Government considered it an important measure. I am quite satisfied that such will be the case in the future, as it has been in the past, notwithstanding that the character of this House may be considered more Conservative than Liberal. I am quite satisfied that under any circumstances there would be no obstructions thrown in the way of a Liberal Government if they were in power. They would meet at the hands of the Senate the fairest and most liberal treatment. Their measures would doubtless be criticised but fairly, and there would be nothing done by the Senate to oppose the measures of the Government, simply because they emanated from it. Before sitting down I may make a remark with respect to the motion by which my hon. friend from Shediac has brought this matter before us. I think he has made a great mistake in the method which he has adopted. It should not have been done in the shape of an address to the Queen asking for certain specific things. My impression is this: If in his mind there was anything which he thought could be done to add to the usefulness, influence or prestige of this House, or would benefit it in any way, or would benefit the public through it, he was quite right to bring the matter before us and have it discussed, but it would have been far better in my judgment if it had been in the shape of a motion asking the House to pass some resolution embodying his views. Some, perhaps, would support a resolution who would not support an address to the Queen in such terms as he proposes; he asks for what, in my judgment, would be a most awkward thing, if granted. It strikes me that it is most extraordinary to ask that Provinces should have the power of electing Senators and that the Crown shall have the power of appointing six members in an emergency as at present. What position would those six members occupy in such a body? A most undesirable one, in my opinion, exposing them to the taunt that they represented nobody, while their colleagues would boast of being representatives of large numbers of electors. Such an anomaly as six Government appointees in an elected house would never be approved by the advisers of the Crown, and I trust will not meet the approval of this House.

We have now had a very full discussion of this matter; public attention will doubtless be attracted to it, and I am satisfied that when the speeches of hon. members who have disapproved of the proposed address are fairly examined, their arguments will meet the approval of the public, and the Senate will be fully justified in refusing to adopt the motion which the hon. gentleman has submitted to the House.

HON. MR. ABBOTT.—I am disposed to regret that even the slight color which my hon. friend's address has given to what is sometimes said with regard to us, should have been afforded him on this occasion; but perhaps the difficulty which that may cause to us; the unpleasantness which we may feel from having the senseless cries occasionally heard about the Senate, supported by a voice from within, may be compensated by the full discussion which has taken place on the constitution of this body in the debate we have had to-day. My hon. friend and one or two other hon. gentlemen—very few in number, I must say, in so large a house,—have not found fault with the position of the Senate as regards its *personnel*, I am happy to say, because on that point every one who has spoken has declared that we could not be better off in that respect within the limits of our own Dominion. It is quite true that no one has used these words, but the hon.

gentleman from Halifax, who smiles at me and shakes his head, himself spoke with laudation of the body which sits in this House.

HON. MR. POWER—Certainly.

HON. MR. ABBOTT—So it appears to me that the antidote was furnished almost as quickly as the poison was administered, because if we succeed by our present method, or by any other method, in filling this House with a body of men whose opponents cannot see any ground upon which to find fault with them, we have discovered, I think, a fairly good mode of selecting its members. However, I think we can go a little further than that. I propose to take up the proposition which my hon. friend makes, and look at it with a view to see how far it would suit our circumstances in this country. My hon. friend suggests that we should adopt the mode which is said to be adopted in the United States—to elect the Senators by the several Provinces. He does not, I observe, propose to assimilate the elective body in numbers, or in its proportions in the different states, therein differing from the system adopted in the United States, where, as has been already remarked, the great State of New York only represents the same influence in the Senate of the United States, as the small State of Rhode Island. I do not understand him to advocate that principle, but he proposed that our Senators shall be elected by the Provinces, as he thinks they are elected by the States, instead of being appointed by the Crown or selected by the Parliament of Canada, which is practically the mode by which the members of this House are chosen. Now, in reality, the body which constitutes the Senate of the United States is elected by the people. The nomination of the Senators is taken into consideration in the caucus, and voted on at the election, virtually as much as any member of the legislative body. If any hon. gentleman desires to have that statement verified, he will find it in Brice's recent book, which is, I think, the latest and best of the commentaries on the constitution of the United States, and it is the work of one who is a great admirer of the United States. I shall not trouble the House with reading it, but the conclusion he comes to, and which is undoubtedly the right conclusion, is that these Senators are elected in the United States by the indirect vote of the people—that is to say, when the members are elected the Senators are practically elected also. They are considered in the election. Those who are returned are pledged to vote for the appointment of named Senators of their own party, and the moment the election is over the Senators are as fully chosen and as certain to be appointed, as if the vote of the legislature with regard to them had passed.

HON. MR. DEVER—So are we, when our Government is sustained at the polls.

HON. MR. ABBOTT—My hon. friend, I think, does not seize the distinction, for, when this Parliament which supports this Government was elected, a good many of the hon. gentlemen having seats in this House, were not thought of as Senators. They were the choice of the representatives of the people, made by the Government who are the executive of the people, after the Government had been constituted, and had been a long time in power; while the distinction I make is that at the very moment of time that the members of the House of Representatives were elected in the United States, that very moment of time the Senators of the United States were practically elected.

HON. MR. POWER—I think the hon. gentleman is pressing that point too far; I do not think that is the uniform practice in the United States at all.

HON. MR. ABBOTT—My hon. friend compels me to read, to show what Mr. Brice says on the subject, and I am prepared to pin my faith to Mr. Brice:—

"The method of choosing the Senate by indirect election has excited the admiration of foreign critics, * * * * Meantime it is worth observing that the election of Senators has in substance almost ceased to be indirect. They are still nominally chosen, as under the letter of the constitution they must be chosen, by the State Legislatures, The State Legislature means, of course, the party for the time dominent, which holds a party meeting (caucus) and decides on the candidate, who is thereupon elected, the party going solid for whomsoever the majority has approved. —Now the determination of the caucus has almost always been arranged beforehand by the party managers —Sometimes when a vacancy in a Senatorship approaches, the aspirants for it put themselves before the people of the State. Their names are discussed at the State party convention, held for the nomination of party candidates for State offices; and a vote in that convention decides who shall be the party nominee for the Senatorship * * * *

The choice of Senators by the State Legislatures is supposed to have proved a better means, than direct

choice by the people, of discovering and selecting the fittest men.—I have already remarked that practically the election of Senators has become a popular election; the function of the Legislatures being now little more than to register and formally complete, a choice already made by the party managers, and perhaps ratified in the party convention."

Now, what is the consequence of that? What is likely to be the result of that kind of election? My hon friend from British Columbia tells us that if the State Legislatures—that is if the Provincial Legislatures, elect the Senators—they will "know no party." That was my hon. friend's expression. In other words, by adopting the American process we shall cease to have party men imported into this House, and those who come here and sit within its walls will know no party. How is it possible that such a result will follow? It is not so in the United States. The men who are elected to the Senate of the United States are so strongly partizan, that they would sacrifice any interest rather than that a Democrat should poll a Republican vote. We know perfectly well that there is no consideration that will induce a majority of the Senate to go against their party; and that the man who voted against his party would be held up to the scorn and contempt of the 60,000,000 of people of the United States, and would be as much despised by his opponents in politics as by his own friends. How is it we are going to change human nature so that the men who are returned here by the exertions of the dominant party in a Provincial Legislature, shall cease the moment they arrive here, to have any political opinion? That I think is easily answered. But I think is already completely answered.

HON. MR. McINNES (B.C.)—The hon. gentleman is really putting a strange interpretation on the words I made use of. The words I used four years ago, which I read to the House and endorsed to-day, were that if members were elected by the different provinces, they would come here free and untrammelled, under no influence and under no sense of gratitude to the leaders here at the federal capital, as they would owe their position to the local Legislature, and many of the local Legislatures are not actuated by the same principles that prevail here in the capital.

HON. MR. ABBOTT—If I could only be certain that I take down what I hear with my ears, and place before myself something which I have a right, it would facilitate my labours here a good deal. I took down at the moment my hon. friend spoke, the language he used, which was in so many words that these men who would be sent here by the local Legislatures would know no party.

HON. MR. McINNES (B.C.)—I read it out of the book, and I can make no mistake.

HON. MR. ABBOTT—I am not speaking of my hon. friend's speech of four years ago. I had not the advantage of hearing that speech, or reading it, and I am only speaking of what my hon. friend said in the House within the last three hours, which I wrote carefully down, and which I read in making the statement to the House, that he insisted that the persons sent by the Legislatures to this House, would know no party. But while I am referring to the hon. gentleman, I would remark upon another curious statement he made about the defects of this system of appointment. He said that one great objection to this mode of appointment is that a Senator so appointed would be so influenced by gratitude to the men who appointed him that he would not be able to give an independent vote against them. Now, I point to my hon. friend himself as a living, walking and speaking proof to the contrary.

HON. MR. McINNES (B. C.)—I must rise to a question of order again. I am misrepresented again. The hon. gentleman must know, as every hon. member of this House must know, that I never was elected as a Conservative or a Grit—that in both of my elections to the House of Commons I was distinctly an independent. I defeated the candidate of the Mackenzie Government in 1878, when the Reform party was in power; at the next election, I defeated the Conservative candidate in the next general election that was run against me, and I was returned to the Commons thoroughly independent, and hon. gentlemen who will take the trouble to turn up the Parliamentary Companion, of 1878, will find there in my biography that I am in favor of unrestricted reciprocity with the United States, and thoroughly independent.

HON. MR. ABBOTT—My hon. friend has not yet interferred with or disputed the

statement I made as to what he remarked a few moments ago. The objection which he made remains there. This speech which he has favored us with, in which he shows the chameleon character of his politics, has not altered the position he took, that the fact that an hon. gentleman was appointed by a particular Minister or particular party would so affect him with gratitude to the benefactor who placed him in the House, that it would be impossible for him, or next to impossible for him ever to vote against him afterwards. Now, we have proof, as I said—living, waking and speaking proof that that is not a valid objection. I think I may conclude that the mode of the election proposed would not cause party feeling in this House to disappear; and in my opinion it would not have the effect of giving to this House as good a selection otherwise as we now have from another body. I venture to dispute and doubt the assertion that the local Legislatures are better fitted to appoint members of the Canadian Senate than the Central or Federal Parliament, in which, as a matter of course, this House itself has a voice.

The appointments are made on the recommendation of the Government in power, and, generally speaking, although in the case of the present Government that rule has not been universal, the candidate shows the color in politics, which fairly describes the party appointing him. My hon. friend was one instance, but then he would have been an equally good instance on the other side if his appointment had been made by a Liberal Government, for he alternately fought and conquered first one and then the other party, but appointments here are naturally in accord generally with the party tendencies of the Government of the day. But my hon. friend from Ottawa thinks that is a bad mode of appointing Senators. He thinks it has not been successful. He says there are only three Liberal Senators from Ontario in the House, and he desires a larger representations of that party in this Chamber.

HON. MR. POWER—From Ontario?

HON. MR. ABBOTT—Yes, from Ontario. My hon. friend has been asking for a change for some time, and his party in Ontario has been desiring a change. And if they had got the change they wanted there would soon be a change in the Senators too. But supposing the Liberal party in Ontario had been in office all this time, in what position would a Conservative Government now be in; if a Liberal Government had had the opportunity of filling all the vacancies in the Senate for the last twenty-five or thirty years? There would then have been plenty of Liberal Senators in the House. So that the appointment of Senators accompanies the confidence of the people. But I maintain that the members who come to this House appointed for life, having a proper sense of the grave duties that appertain to them, drop party tendencies to a large extent, and in so far as those party tendencies bear towards faction they have disappeared from the members of this House altogether. My experience of the Senate proves that, whether its members be appointed by a Liberal or Conservative Government, they have shown since I remember this House—and I have observed it more nearly since I have been more intimately acquainted with it of late—a disposition to study the true interest of the country in disregard of party feeling and party discussion, that befits them in the high position they hold as Senators of this Dominion. The result, therefore, in the opinion of my hon. friend of the change he proposes to make, would be, that we would have better men, men of high standing in the country and men with less party feeling. In my opinion we would not have men of equal standing in the appointments which would be made by the local Legislatures; they would not probably be equal to the selections which are made by the Dominion Parliament from the whole Dominion of Canada. And, probably, they would be more likely to be animated by party feeling than those men who have had a large experience of the affairs of the Dominion itself, which is actually the case with three-fourths of the men sitting around me in this House. They would have a larger training on the great questions which are constantly arising; and would have a larger grasp of the measures which are fitted for the welfare and progress of their country. I think, therefore on all these grounds—on the ground of independence, on the ground of absence of party feeling, on the ground of experience and breadth of views, and on the ground of better training for the high position which they hold—a better selection would be made by the Parliament of

the Dominion than could be expected to be made by the Legislatures of the Provinces, without any exception. That is the deliberate conclusion I have come to, and I think the circumstances, and reason, and common sense, would indicate that from a larger field, a larger and more experienced body of men, from a larger collection of trained statesmen, we are more likely to get men fitted to be Senators of Canada than from the smaller Legislatures by selecting less experienced persons from the smaller circles of public men in the local Legislatures. I think, therefore, we may fairly consider that we have as good opportunities for a fair selection of Senators with the principle which we have adopted, than we could have by allowing the local Legislatures to nominate them—in other words, that the Parliament of Canada or its Government would be a more reliable guide in the choice of Senators than the Premier of any of the smaller Provinces, from persons within his party experiences. It may be noticed also that the constant alteration which is to be expected from time to time of parties in the Government of the Dominion, will produce a corresponding alteration in the political character of the gentlemen who are from time to time appointed to this House. No such correspondence can be expected from appointments made by local Legislatures, who are bound by no ties, and have no harmony, as to politics, as between their party principles and the party principles of the Dominion Government. It happens at this moment that a very large proportion of the local Governments of Canada are Liberal. It is very probable that party politics do not exercise so large an influence on local Legislatures as they do on that of the Dominion itself, and that Administration, in a popular manner, may tend to keep in power a party in the Province of one cast of political thought, while for the Dominion the Government is guided by the other, and is supported by the party which, in Provincial matters, favors the opposite political complexion which entrusts to them the power of governing the entire nation. And, although possibly the number of Senators appointed by the Local Government might not be sufficient in number to destroy the equilibrium of the House and set the majority in the Senate against the majority which prevails in the other House; still there is no doubt that it might result in that, and it might result in a very serious disturbance of the harmony which otherwise would exist between the two Houses, more especially as the persons who would be sent from the local Legislature would be more likely to be influenced by party feeling than those elected from a larger field by the Dominion Parliament. For these reasons, I am in hopes that the House will prefer the present system of selecting members of the Senate, to that which is proposed by my hon. friend from Acadie, that is to say, election by the Provinces. But we have had some suggestions from other hon. gentlemen. One or two hon. gentlemen who spoke, I think, sustained the proposition of my hon. friend. Other hon. gentlemen who have spoken and are dissatisfied with the present condition of things have suggested election by the people—in some instances by a body of electors specially qualified by property for the purpose, which, to my mind, is of the various elective projects the most reasonable and the most likely to result in a strongly conservative Senate—I use the word conservative not in a party sense at all; but there are no two of the hon. gentlemen who have spoken who have agreed as to the mode in which this election should be conducted. We had, as the hon. gentleman from Acadie said, a Legislative Council which commenced in 1856 and terminated with Confederation. We have had, therefore, the experience of ten years of an elective upper House—and that method of selection was given up on mature and careful consideration, and after consultation with all the several Provinces which then constituted the Dominion. The facts and the arguments with regard to this change are stated in the Confederation debates, and there it will be found that the whole of the Maritime Provinces were in favor of the continuance of the appointing system by the Crown, and were not willing to give that up; while the leading statesmen of the Provinces of Canada, while they did not think that the elective system had been a failure, were nevertheless prepared to state that there were symptoms of difficulties arising under that system. Those difficulties have been referred to by most people who have discussed the system of an elective upper Chamber, and these difficulties were beginning to manifest

themselves, And the delegates from Canada willingly yielded to the desire of the Maritime Provinces to have the Senate constituted on the principles which those Provinces preferred, namely, the principle of appointment by the Crown. I venture to trouble the House with two or three references on this subject, which I have taken from the Confederation debates, from the speeches of the present Premier, Sir John A. Macdonald and the Hon. Geo. Brown, who was in fact the leader of the Liberal party at that time. Sir John Macdonald says, in discussing the various modes of electing an Upper House :—

"We found a general disinclination on the part of the Lower Provinces to adopt the elective principle; indeed, I do not think there was a dissenting voice in the Conference against the adoption of the nominative principle, except from Prince Edward Island. The delegates from New Brunswick, Nova Scotia and Newfoundland as one man were in favor of nomination by the Crown. And nomination by the Crown is, of course, the system which is most in accordance with the British Constitution. * * * * The only mode of adopting the English House of Assembly."

That is the view he takes of the elective system. Then again:

"The arguments for an elective Council are numerous and strong, and I ought to say so, as one of the administration responsible for introducing the elective principle into Canada. I hold that this principle has not been a failure in Canada; but there were causes—which we did not take into consideration at the time—why it did not so fully succeed in Canada as we had expected. One great cause was the enormous extent of the constituencies and the immense labor which consequently devolved on those who sought the suffrages of the people for the election to the Council. For the same reason the expense, the legitimate expense, was so enormous that men of standing in the country, eminently fitted for such a position, were prevented from coming forward. At first, I admit, men of the first standing did come forward, but we have seen that in every succeeding election in both Canadas there has been an increasing disinclination, on the part of men of standing and political experience and weight in the country, to become candidates; while, on the other hand, all the young men, the active politicians, those who have resolved to embrace the life of a statesman, have sought entrance to the House of Assembly."

Then, speaking of the objection that there might be a dead-lock between the two Houses, he says:

"There is no fear of a dead-lock between the two Houses. There is an infinitely greater chance of a dead-lock between the two branches of Legislature, should the elective principle be adopted, than with a nominated Chamber—chosen by the Crown, and having no mission from the people. There is, I regret, a greater danger of an irreconcilable difference of opinion between the two branches of the Legislature, if the Upper be elective, than if it holds its commission from the Crown."

So he points out the certain opposition in case of conflict between the two Houses of an elective House and a nominative House. Then the Hon. George Brown, the other pole of the political sphere in this contest, held a similar opinion. He always held the opinion that there was danger in an elective House, and he says:

"I have always been opposed to a second elective Chamber, and I am so still, from the conviction that two elective Houses are inconsistent with the right working of the British parliamentary system. I voted almost alone against the change, when the Council was made elective, but I have lived to see a vast majority of those who did the deed wish it had not been done. It was quite true, and I am glad to acknowledge it, that many evils anticipated from the change, when the measure was adopted, have not been realized. I readily admit that men of the highest character and position have been brought into the Council by the elective system, but it is equally true that the system of appointment brought into it men of the highest character and position, whether appointed by the Crown or elected by the people. Since the introduction of parliamentary government, the men who have composed the Upper House of this Legislature have been men who would have done honor to any Legislature in the world. But what we most feared was, that the Legislative Councillors would be elected under party responsibilities; that a partizan spirit would soon show itself in the Chamber, and that the right would soon be asserted to an equal control with this House over money bills. That fear has not been realized to any dangerous extent. But is it not possible that such a claim might ere long be asserted? Do we not hear, even now, mutterings of a coming demand for it?"

Again:—

"But, even supposing this were not the case, and that the elective upper House continued to be guided by that discretion, which has heretofore actuated its proceedings,—still, I think, we must all feel that the election of members for such enormous districts as form the constituencies of the upper House has become a great practical inconvenience. I say this from personal experience, having long taken an active interest in the electoral contests of upper Canada. We found greater difficulties in inducing candidates to offer for seats in the upper House, than in getting ten times the number for the lower House. The constituencies are so vast, that it is difficult to find gentlemen who have the will to incur the labor of such a contest, who are sufficiently known and popular enough throughout districts so wide, and who have money enough to pay the enormous bills, not incurred in any corrupt way—do not fancy that I mean that for a moment—but the bills that are sent in after the contest is over, and which the candidates are compelled to pay if they ever hope to present themselves for re-election."

I venture to think that although happily we have one of those great statesmen with us still, I am not acting improperly in laying their views, on this occasion, before the members of this House. They appear to me to have great weight—not only the great weight which attaches to the character of those statesmen, but the great weight which attaches to the strong good sense and reason which characterized these utterances. I do not propose to go

further into a discussion of the elective system, because that is not really presented to us by my hon. friend's motion; he only requests us to adopt the American system, and that is really all we have to decide.

But my hon. friend in adressing the House on the subject, made use of some expressions with regard to the Senate which I think I should refer to for a moment; and the hon. gentleman from Ottawa also made a remark, with respect to which I desire to say a word. My hon. friend said that we had with us still, and also had lost unhappily, a number of men of high standing and character, men we had received from the elective system, and he, with justice, declared his pride in the presence of men of this character in the Senate, and asked where would we get better men by the appointing system? I would have asked my hon. friend, if I had not desired not to interrupt him, how many of those gentlemen would be in this House had the elective system continued? How many of them could have stood against the enormous labor which I personally knew them to have gone through for their elections? How could they have gone to their divisions again with the increasing weight of years upon them or have gone through the enormous labor that would have been necessary? and how far would they have been willing to stand the enormous election expenses necessary to carry through an election over such large constituencies? I myself assisted my lamented friend, the hon. John Hamilton, in canvassing one-third of the division which I represent in this House; and I assure hon. gentlemen that I and my colleague found it a sufficiently heavy task, to warrant him in saying that he would never again place himself in such a position. There was no amount of labor in any legitimate occupation that could approach for a moment the labor of canvassing a territory something like 150 miles long, and of widths varying from 20 to 150 miles, through roads which I will not attempt to describe, for it would be impossible to convey any idea of them to gentlemen who never travelled over such roads themselves.

But, to return to my hon. friend who made the motion. I took a note that he said, "how is it that the Senate does not hold its own?" And one or two other hon. gentlemen have stated that there is discontent with the Senate—that the Senate is not performing its duty. Perhaps no hon. gentleman actually went so far as to say that the Senate was not performing its duties; but certainly some hon. gentlemen do go so far as to say that they were not performing the functions which were attributable to their position in such a way as to receive the approbation of the public. Now, what are we to expect from this Senate? What has the country the right to expect from the Senate? What are our duties? What are the duties of any ordinary member of the House? This Senate is not like the Senate of the United States which performs two classes of duties—legislative and executive duties—executive duties at least as important as its legislative duties; but if such duties were attributed to this Senate our system of responsible Government, which we admire and have confidence in, which has been handed down to us by our forefathers, which we cling to and are not willing to part with—that system of Government would be done away with altogether If members of this Senate, without being responsible to anybody, until they come before the people at the next election, had executive powers—if these functions were enjoyed and performed by the Senate, what would become of responsible government? Why, there would be an absolute and immediate end to it. So again I ask what duties are properly attributable to us under the British Constitution, which we live under, that we do not do? If we do our duty, what need we care for the senseless slander which may be propagated, or the sneers which may be cast against us anywhere, either in the public press or anywhere else. If we do our duty, and do it properly, we are independent of all such incidents. What are our duties? My hon. friend from Halifax gave you what I thought a very neat and proper description of the duties of the Senate. If I were to undertake to describe them I should do it in pretty much the same terms that my hon. friend used. We have, in the first place, to examine and revise carefully the legislation which comes to us from the other House, and the legislation which we introduce ourselves. We have to scrutinize carefully the general policy of the Government, so far as it comes within our purview under our constitution. These are two of the most important functions that we

perform if not the most important of them. But we have another: and it is no less vital to order and good Government. We must stand in the way when hasty or inconsiderate legislation, or some popular paroxysm or excitement leads to measures which are injurious and disadvantageous to our country. If we do these three things what more does our country demand of us? What more have we to do than those three classes of things. Now, have we performed those duties or have we not? I think I can show you in a moment that we have done them most efficiently and effectually, and I say that has been the course of the Senate from the first. It has gradually taken up its position in the country, and it is filling that position effectively and with dignity. We do not make Ministries nor do we mar them. It is not in the constitution that this House turns out Ministries or forms them. It is not on the breath of this House that the Ministry exists; it is to the direct representatives of the people that they are responsible. With regard to the finances of the country, it is not we who appropriate the revenues of the country or its moneys to public works and other purposes; by the constitution, it is the other House that does that. Hon. gentlemen complain, and with some reason, that we have not ministers with porttolios here. But the more I see of the working of this House, the more I doubt whether the possession of portfolios in this House would be an unmixed benefit. If there be a Department which needs no money; which does not require that its chief shall stand in his own person before the representatives of the people, and state what he has done with the money entrusted to him the previous Session, and what money he requires for the uses of his Department for the ensuing year—if there is a Minister who has such a Department, we might have him here; but as to the heads of the Departments which are obliged to spend money in the interest of the country; which have to construct great public works, which have to deal with the finances of the country, to manage them, to pay our debts, to carry on the negotiation of our loans; to collect customs, and manage our inland revenues—who is it that has a right to call the head of such a Department to account in his proper person, and demand from him annually a detailed statement of everything he has done, or proproses to do, how he has spent the public money, and what more he wants to spend? Who has to demand that of him? Not the Senate but the other House. The people of Canada can change their Constitution altogether, if they please I presume, but until they exercise that right it is the Lower House that must deal with the money of the country, that must settle how that money is to be spent, that must call to account every Minister who handles, or expects to handle, or has power to handle, the public money. He must come to that House, and must in his own proper person state the amount before that tribunal for every official act. These considerations are probably the reasons why portfolios have been gradually driven from the Senate into the other House, and any hon. gentleman who looks calmly and dispassionately at this question must see that, whether those reasons are conclusive or not—I do not say they are conclusive by any means, but they are growing upon me and I am inclined to believe that they are growing in their impression upon other members of the Senate too—these considerations deserve more weight in the demand which we frequently make, and which I, myself, have repeatedly joined in making, that we should have Departments in this House which will cause a larger measure of the work of the country to be done in the Senate. I think there are other modes by which we can appropriate to ourselves the work that we are peculiarly fitted to do. One of the most important functions of the House of Lords is to deal with the private legislation of the country. By a skilful adaptation of the rules of the two Houses a large portion—the greater part, I think, of the private legislation of England has been forced into the House of Lords, and it is done there, and done, it is admitted on all hands, most admirably. It is one of the plumes in the cap of the House of Lords, that there is no country in the world where the private legislation is done more perfectly and more thoroughly than in England. That is something we can hold out for ourselves, to attract to the Senate more of the initiative legislation of the country. We have to do with it largely as it is. Every private Bill that comes up receives the close attention of this House and many of them are

amended by pruning superfluous clauses, altering them or adding to them in the interest of the public. And there is no reason why this House should not attract to itself a great portion of the original private Bill business of the whole Dominion. I do not know, therefore, and my hon. friend did not specify, in what respect it is that we do not perform the duties which are expected of us—the exact expression, I think, he made use of, was that we did not hold our own. It may be that what he complains of is a necessary consequence of our position. The public admire speeches; they like discussions, especially if they are a trifle warm. They like political questions with which they habitually deal themselves as matter of private conversation. They hear nothing of that kind here, or only at rare intervals. That kind of discussion is not exactly within our function—quite within our powers, but not within the functions that we assume to ourselves. It appears to me that it would not be of advantage to the Senate if every debatable question which is spoken of day after day, night after night, in the House of Commons, were dragged up in the Senate and subjected to the same treament here. The reasons which prompt the long discussions, and cause them to be prolonged from day to day and week to week, with a great deal—I hope I may be pardoned for saying so, and I mean no offence—a great deal of repetition, do not exist here. But there are strong motives for such debates in the other House. It is important to a man in another place who has shortly to go before the people, to denounce the Government, if he happens to be in opposition, for their extravagance and corruption, and if he happens to be on the Government side of the House to show how unpatriotic and corrupt the opposition are. These are two subjects fertile in themselves, and expanded to a degree that it is almost impossible to calculate except by those who will go through the labor of wading through *Hansard*. These are the discussions and debates which attract the public eye, and capture the popular taste. They would approve of us if we talked for days and days without any results, probably, but the quiet unobtrusive labor which this House goes through in supervising and perfecting the legislation of the country, I have no doubt they would appreciate if they knew of it; but they do not know of it: it is not the kind of labor which presents itself before the eyes of the public in every newspaper of the Dominion. And great numbers, a large majority probably of our people, for whom we are earnestly, honestly, and diligently working in this House and in our committee rooms, day after day, never know that we are engaged in seeking to further their welfare at all. They see nothing, perhaps, but some sentence in the papers, stating that the Old Women of the Senate adjourned at 4-30 to-day. This produces a laugh; it is circulated in every paper and those who have not seen us may imagine that our garments are not of that virile and masculine character that they ought to be. They find fault with our adjournments not knowing that our labors are concurrent with those of the House of Commons, and that there are times when faction and oratory hold the field, and there is nothing for us to do for the moment. There is nothing too absurd for people who are not much interested in the matter, and who amuse themselves by reading sneers and jokes about the Senate, to believe. They laugh at the cheap and stale jokes and take them for granted; no one is there to dispute what is said, and they form the idea that we are a parcel of imbecile old people, who are slumbering away a quiet and well paid life up here, doing nothing but drawing our pay; and allowing the business of the country to go where it pleases. It is not our fault if this be the impression of many people, and it ought not to affect us. We ought not to admit because there are jokes in the papers about us that we are not holding our own, not fulfilling the purposes of our existence. We are independent of all that and we are men of sufficient experience and knowledge of the world and of business, and of sufficient thorough public training to treat these things as not affecting us one jot. The consciousness that we are doing our work and doing it thoroughly ought to be, and I have no doubt is, quite sufficient for us, and if we may feel a passing irritation at being characterised by contemptuous epithets it passes away very quickly, and makes very little impression on any member of this House. It appears to me, and I am confirmed in this impression by many hon. gentlemen, that the presence of the press in our House, and the reports, short as

they are and few as they are, which they furnish to the public of the doings of this House, are improving our position in the eyes of the country. I am satisfied of that. I hear on all hands, and especially I hear from gentlemen in another place, of the benefit which we confer by the care which we take with the legislation, and I was asked this very day where the legislation of the country would be if the Senate were gone, by one of the very men who was engaged in creating that legislation in another Chamber. Instead of being, as is supposed by some, mere registrars of the will of the Government in another House, bound by gratitude, like the hon. gentleman from New Westminster, to vote exactly for what they desire us to do, we find that last year we passed through this House twenty-five Bills introduced in the House of Commons, of which thirteen were amended, many of them in a material degree, while the House was in session. We have already dealt this year with twenty-seven of these Bills of which sixteen have been amended, and every hon. gentleman knows that there are one or two important measures we have gone through with enormous care, which it is admitted on all hands we have benefited to a most important extent, but which are not included in this list, not having been finished in this House. In the past year, from the House of Commons, we took up and disposed of thirty-seven public Bills, of which fifteen were materially amended in this House, and we disposed of fifty-nine private Bills, of which twenty were materially amended in the Senate; making a total last year of 121 Bills considered by the Senate, of which forty-eight Bills were materially amended in the course of their passage through the House. This year the number is not so great, because they have not all come before the Senate, but we have already disposed of eighty-eight Bills, of which forty-two have been materially amended in this House. Now, of all the Bills that have thus been amended which had first passed through the crucible of the House of Commons, and were sent back to that House, with amendments made by us, we have never had any hesitation shown by the Lower House in concurring in the amendments that we made, except in one instance. Last year we received a message from the lower House informing us that they could not concur in one of our amendments, for reasons which they gave. Our committee met and examined the message and the reasons, and they sent to the lower House an answer to those reasons, as being the reasons which had induced them to make the amendment. The House of Commons immediately accepted the reasons which were given to them in reply, and adopted the amendments without further discussion. So, in point of fact, of this immense number of Bills carefully gone through and amended in this House, every one has been accepted by the lower House without objection except one, and in that case, after consideration and hearing the reasons which had prompted this House to make the amendment that one was accepted also, without further objection. We performed another branch of our duties last year—it was not particularly agreeable to me, but on the whole I respected the Senate for doing what the majority considered to be its duty on that occasion, and I am bound to believe that the majority was right. A Government Bill passed by the House of Commons, which the majority of this House disapproved of, was brought before the Senate and was unceremoniously rejected. I did my best to carry it through: I thought it ought to pass; I thought we were pledged to it in many ways. I gave various reasons why it ought to have passed the House and I think, abstractly speaking, it ought to have passed the House, but the majority of the Senate were opposed to it, and notwithstanding their gratitude to the gentleman who appointed them they rejected the Bill after a comparatively short discussion.

HON. MR. DICKEY—The Bill has never come back.

HON. MR. ABBOTT—No. What, after all, does this discussion result in, now that we have got through with it? We have had offered to us various modes of electing this House, but we have not had suggested to us any reason whatever that I can see for changing our constitution. The only semblance of a reason offered—it was a good reason too, if it had been well founded—was that which the hon. gentleman from Acadie offered, that we were not doing what was expected of us, not properly carrying out the objects of our constitution. I think I have shown, and

my hon. friend from Halifax has shown what those objects really are. I think I have shown, and other members of the Senate have shown, that we have really performed our duty with regard to those objects. That we are daily performing them, and that every day, we are seeking to take to ourselves a larger amount of work. So far from shirking work and desiring to live in indolence and luxurious ease, drawing our pay for nothing, we are seeking for all the work we can legitimately do within the sphere of our duties. What we have had before us, we have done and done well. It is not disputed—no hon. gentleman who has spoken has disputed, that we have done the work well. Some hon. members suggested that we ought to throw out more Bills in order to show our independence. I do not agree with that idea at all. If anyone can point to a Bill which, in the opinion of the majority, ought to be thrown out, and we did not do it, I am ready to cry *peccavi*, and I would be ready to say that we were guilty, if such a circumstance occurred; but it has not been suggested by those who have proposed that we should throw out Bills to show our independence, that we have omitted to reject any Bills that in the opinion of the majority of the Senate ought have been rejected. We have rejected such Bills, whoever introduced them or brought them before us, as we thought should not pass; we have amended those that we thought should be amended; we have improved those that we thought needed improvement. We have not delayed in the performance of those duties or the exercise of our functions; we have been equal to the work before us—we have not allowed it to get into arrears. We have been here, ready to perform all the duties entrusted to us, and it is admitted on all hands that we do those duties well. What more can be required of us than that? If we do not happen to attract public attention much, what matters it? I say to hon. gentlemen let us do our work—let us guard the legislation of the country, let us revise it, let us correct it, let us amend it, let us reject it in the interest of the country as we are required to do. Let us take care that no temporary fit of prejudice or passion, injurious to our country or disadvantageous to our interests, is allowed to pass through this Parliament without giving to the people a further opportunity for considering it. That is one of our most important functions, not to persist forever in resisting the will of the people—that I should never recommend you to do—but when you find ill-considered legislation, measures which you think have not received due consideration by the representatives of the people or by the public, it will be your duty to reject them for the moment, to give the people a further opportunity to consider them. If we continue to perform those duties with diligence if we continue to exercise with dignity and efficiency the functions which the constitution entrusts to us, we may safely leave our reputation, our services and our character to the appreciation of our country, which we love and admire, and from which we shall receive all the recognition we desire of our performance of the high functions of Senators of this Dominion.

HON. MR. POIRIER—I am very willing to accede to the demand of the leader; but I would crave the indulgence of the House to make a few remarks. If I understood the hon. gentleman properly he insinuated that there were parties in the country decrying the Senate and that those parties had found an echo in this House. I would like to have my position understood. My intention in bringing this question up was not to decry the Senate or to be an echo of those casting slurs upon it, but simply to have the Senate itself deal with its position before it was dealt with by the country. I profess to be a friend to the Senate. I am yet a young man, and if Providence spares me to live the term of my natural life, I will be here a good many years yet. I repeat I have a friendly feeling for the Senate, and it is that which prompted me to bring up this question to show the country that we are not afraid to look into our own case, and that we have the courage to apply any remedy which we may consider necessary.

These are the motives which prompted me. I will not follow the hon. gentlemen who have opposed my motion over the ground that they have covered, but I should like to answer some of the objections of the hon. leader of the House. What he said concerning the election of members of the United State Senate would apply to us here and his argument instead of going against my motion in my judgment favors it; because I say if the Local Legislatures

were to elect the members of this House it would be in fact the people of the Provinces that would elect us and then would be fulfilled these expressions of the fathers of Confederation that this upper House is to represent sectional interests and especially the Provinces. Senators were grouped by groups of twenty-four, so that the Provinces would balance one another. By the proposed mode of election the Provinces would have a voice in this upper Chamber; we would be really the representatives of the Provinces—the other House is representative of the people and by that means we would have a much desired equilibrium, an equilibrium which is the ideal of all constitution makers from the times of remotest antiquity to the present moment—hon. gentlemen will admit that such a balance of powers does not exist in our Legislature. As to senators in the United States being elected by the caucus as the leader says, I would like to be allowed to state that it is provided by the constitution of the United States that should a vacancy occur in the Senate before the meeting of the Legislature, the Executive has power to fill it, and it comes practically and theoretically to the purport of my motion, that Senators should be appointed by the Local Legislatures. The hon. leader referred to the fact that we had tried the elective system and after ten years' trial had abandoned it. I would remind him that we also adopted after the union a nominative system and after trying it for a certain number of years we abandoned it. My proposition goes between the two. We have had an experience of a nominative House which has proved a failure. We have had a council elected directly by the people which has proved unworkable. I come in with a motion proposing a scheme between the two, such as has been adopted by civilized people the world over and which has been proved practicable everywhere it has been tried. I propose a system that we have not tried yet in this country, and I feel confident that ere long we will have to try it. The day will come when a change in the constitution of the Senate will be demanded and may be forced upon us; and it is more dignified for us beforehand to take up the question and deal with it ourselves than to wait until the demand is made on us by the people. I am no prophet, nor am I the son of a prophet, but I foresee the day when—not in this century of course but in the 20th century—the Liberals will come into power, and this House will be composed altogether of members of one political party. Then, what will be our position? That gratitude which weighs so heavily on the bosom of my hon. friend which weighs on us all, will be an object of suspicion, at least, to the Liberal Government when they come into power. We will not be slaves of course; but we will be under the moral influence of that gratitude to the extent that with the best of intentions we will be severe in dealing with Bills brought up by the other political party; and should we then reject some of those Bills, a cry and howl will be raised throughout the country against us of such a nature that we shall have to yield and not gloriously. What I propose is that we should deal with the matter now and in a dignified manner. I see that the majority are against me, but I wish hon. gentlemen should understand that the move I have made is not inimical to the Senate nor to the Government. I agree with what the leader of the Government has said, that, constituted as we are, there is hardly any justification for us having here Cabinet Ministers with portfolios. The Minister of Justice or the President of the Council might occupy seats in this House, but under the existing system I do not see how the other Ministers could hold seats in the Senate, because, as I have said, the voice of the people hardly reaches us—and our voice is not listened to by the people. My hon. friend from Victoria (B. C.) challenged me to show a case in any other country where a Ministry has been overthrown by a vote of the upper House. I will not again enter into a review of the Governments of other countries, but I will just call attention to the fact that in France, although the Ministry are not supposed to fall on an adverse vote in the upper House, the last Ministry —the Tirard Ministry, fell on an adverse vote in the upper House, showing that the moral influence of the French Senate was sufficient to bring about the resignation of a very powerful Ministry. It shows what moral weight the Senate of France has. On the other hand, the Senate of the United States are holding their own, as they do in Switzerland, Belgium and all other countries where the upper

House is constituted as I propose. In England, on the contrary, the House of Lords, which dates from the Norman Conquest, is steadily going down, and the day is not distant when, probably, they will have to resort in England to some elective system. I say that the tendency of the age is in the direction of elective legislators; and that we are taking the opposite direction, and are going back to the middle ages.

My hon. friend from British Columbia and my hon. friend the senior member from Halifax, have advised a course by which we can show our importance. For my part I am adverse to that remedy. It is to render ourselves mischievous, by refusing to pass the Supply Bill. I do not believe in such a course; we should have a dignity and influence of our own without resorting to so mischievous an experiment.

HON. MR. SMITH—You would not get your pay if we rejected the Supply Bill.

HON. MR. POIRIER—My. hon. friend from Halifax wants Ministers with portfolios in this House as a panacea.

HON. MR. POWER—My hon. friend is attributing language to me that I did not use. He did not remain in the Chamber during the debate, and probably has taken his report of my remarks at second hand.

HON. MR. POIRIER—I did not catch what the hon. gentleman has said, but I accept his apology. My hon. friend from Rideau Division says that we should all resign at once. That is not my motion, but if it came to that I might be found as ready to resign as anybody else; but I do not think it is right to go beyond the terms of my resolution. The motion is similar to one proposed by Sir John Macdonald and Sir George Cartier in 1855, and by Mr. Morin in the upper House—it is to change the nominative system into an elective one, by some way or other, and that those gentlemen who hold their seats under the nominative system sholud continue to do so during their lifetime. That is my proposition. Out of four members nominated for life, in 1840, some twenty-one were still alive, at Confederation, and there was no such antagonism between them and the members who were elected, as was suggested here this evening. In the same way nominated Senators could act in harmony with Senators appointed by the local Legislatures. Much stress is laid on the proposition that the composition of the Senate is of a very superior character. With that I agree; but it goes to strengthen the position I have taken. If the Chamber, as a whole, composed of men individually equal to and superior to those of the other House, does not stand as high in the estimation of the people as the lower House, what is the reason of it? The reason cannot be but in the Constitution itself, and this is the gist of my proposition. Although this body is composed of selected men, our position here is inferior to that of the other House.

SOME HON. GENTLEMEN—No, no, no.

HON. MR. OGILVIE—The hon. gentleman's position may be; let him speak for himself and not for the House.

HON. MR. POIRIER—I say that this House is practically a legislative body and nothing else. It does not control the executive as the other one does. There is no correlation between the two Houses. The Executive is in the other House wholly, and I assert here to-night that the work we are doing in the shape of private Bill legislation, could be, perhaps, as well done by a committee of experienced or expert men appointed to look over private Bills, as it is by us. We are nothing but a legislative body, and, properly speaking, we do not share in the Executive labors of our country. Therefore I maintain the position I have taken, that although this House is composed of men of a superior class, we do not occupy as high a position in the estimation of the country, as the other House, and the fault that it is so, must be in the constitution.

HON. MR. VIDAL—The logical result then is, that there must be no Senate.

HON. MR. POIRIER—There should be either no Senate or a Senate having more to do with the governing of the country—either the one or the other. If members were returned by the Local Legislatures, we would be representatives of legislative bodies and be in contact with the people in the second degree. The Provinces would look to us as being something, while at present neither the people nor the Provinces look at us as

being of any importance in the machinery of Parliament. I say that the Government could if it chose to-day, appoint for the Province of Quebec, if the majority were of a certain complexion, members hostile to the interests of that Province, provided that they would go there and qualify themselves for certain districts.

SOME HON. GENTLEMEN—No; you are wrong.

HON. MR. POIRIER—Provided such men acquired property in the Province of Quebec and settled there, the Government could appoint them. I do not mean to say that they will do it, but I am talking of the possibilities.

HON. MR. McMILLAN—Are they not a responsible government?

HON. MR. POIRIER—Undoubtedly.

HON. MR. ROSS—But those strangers who would be appointed by the Government would be bound, according to the arguments of an hon. gentleman, by gratitude to support the Government.

HON. MR. POIRIER—I had forgotten the question of gratitude. If parties were appointed for a certain purpose, they would carry out that purpose. Thanking the House for the attention they have given to me, I will, with deference to the opinion expressed by the leader of the House, allow my motion to pass on division, or if it is the wish of the majority of the House I shall withdraw the motion.

With the consent of the House the motion was withdrawn.

BILLS INTRODUCED.

Bill (77) "An Act to amend the Act for the prevention or suppression of Combinations formed in restraint of Trade." (Mr. Power.)

Bill (103) "An Act further to amend the Canada Temperance Act." (Mr. Dickey.)

The Senate adjourned at 11:25 p. m.

THE SENATE.

Ottawa, Thursday, April 24th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILLS ASSENTED TO.

The Honorable Sir William Johnstone Ritchie, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated on the Throne,

The Honorable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: "It is 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 follow:—

An Act to authorize the Toronto Savings Bank Charitable Trust to invest certain funds.

An Act respecting the Board of Trade of the City of Toronto.

An Act respecting the Erie and Huron Railway Company.

An Act to amend "The Patent Act."

An Act to amend "The Copyright Act."

An Act to amend the Act incorporating the Manitoba and South-Eastern Railway Company.

An Act to incorporate the Rainy River Boom Company.

An Act respecting the Brantford, Waterloo and Lake Erie Railway Company.

An Act to incorporate Owen Sound and Lake Huron Railway Company.

An Act to amend the Act to incorporate the Victoria and Sault Ste. Marie Junction Railway Company.

An Act to confirm an agreement between the Montreal and Western Railway Company and the Canadian Pacific Railway Company.

An Act respecting the Confederation Life Association.

An Act respecting the Summerside Bank.

An Act to incorporate the Grand Orange Lodge of British America.

An Act respecting the St. Catharines and Niagara Central Railway Company.

An Act to incorporate the Interprovincial Bridge Company.

An Act respecting the Calgary Water Power Company (Limited).

An Act further to amend the Adulteration Act, chapter one hundred and seven of the Revised Statutes.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act to incorporate the North Canadian Atlantic Railway and Steamship Company.

An Act to grant certain powers to the Chambly Manufacturing Company.

An Act respecting Agricultural Fertilizers.

An Act to incorporate the Montreal Bridge Company.

An Act to incorporate the Calgary and Edmonton Railway Company.

An Act respecting the Napanee, Tamworth and Quebec Railway Company, and to change the name of the company to "The Kingston, Napanee and Western Railway Company."

An Act to incorporate the National Construction Company.

An Act respecting the Columbia and Kootenay Railway and Navigation Company.

An Act to amend the Act to incorporate the Dominion Mineral Company.

An Act to amend the Act to incorporate the Imperial Trusts Company of Canada.

An Act to amend the Act to incorporate the River Derroit Winter Railway Bridge Company, and to change the name of the Company to the River Detroit Railway Bridge Company.

An Act respecting the Central Ontario Railway.

An Act to confer on the Commissioner of Patents certain powers for the relief of Samuel May.

An Act to amend the Act to incorporate the Saskatchewan Railway and Mining Company.

An Act to prevent the Disclosure of Official Documents and Information.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the words following: "In Her Majesty's name, His Honor the Deputy of His Excellency the Governor General doth assent to these Bills."

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

BILL INTRODUCED.

Bill (125) "An Act respecting the Grand Trunk Railway Company of Canada." (Mr. Ogilvie.)

THE INSPECTOR OF PENITENTIARIES.

INQUIRY.

HON. MR. BELLEROSE inquired—

1st. Whether the salary of J. G. Moylan, Esquire, Inspector of Penitentiaries, has been increased during the last four years?

2nd. If so, in what month?

3rd. What year?

HON. MR. ABBOTT—The salary was increased in the month commencing with the financial year 1889.

MOTION.

HON. MR. BELLEROSE moved—

That J. G. Moylan, Esquire, Inspector of Penitentiaries, be summoned to the Bar of this House for examination in reference to certain statements made by him in his Report to the Honorable the Minister of Justice for the year 1889, in regard to the British Columbia Penitentiary, and particularly in reference to the evidence taken at Victoria, B.C., in the month of September of that year.

HON. MR. ABBOTT—I have a letter here from Mr. Moylan which I propose to read to the House and it will be for my honorable friend behind me to state then if he desires to proceed further with his motion. Mr. Moylan writes to me as follows:—

DALY AVENUE, 22nd Arpil, 1890.

"DEAR MR. ABBOTT,—It was with great surprise I heard this morning, that the Honorable Senator McInnes had taken strong exception to some statements I made in my last report to my Minister, respecting certain charges against the management of the British Columbia Penitentiary. I wish to disclaim as emphatically as I can all idea of reflecting in such report upon the Honorable Senator's action, or of referring to him disrespectfully in any way. I had no such intention, and I deeply regret that the language I used has been construed as applicable to him, a construction which I never contemplated, which I assure you I never intended and which I now repudiate and deny.

"Yours very truly,

"JAS. G. MOYLAN.

"Hon. J. J. C. ABBOTT,
"The Senate."

HON. MR. BELLEROSE—I have never even thought of injuring the Inspector of Penitentiaries, and I may say I have never even thought of injuring any man; but gentlemen know the circumstances in this instance, the circumstances in other instances they are not aware of. I have always been charged with meddling with St. Vincent de Paul Penitentiary, and I never could get an investigation to show that I was not. The House having shown a disposition to support my views on this occasion, Mr. Moylan has been forced to withdraw those insulting, and, I may say, libellous reflections on a member of this House and consequently on the Senate. I have no objection whatever to terminate here the proceedings I have begun. I am happy to be able to do so as far as the Inspector of Penitentiaries is concerned, because I hope it will show to the House that I have no animus in anything I have done or which I may yet have to do against that individual.

HON. MR. POWER—I think that the termination of this difficulty which has been reached is a satisfactory one, but I rise for the purpose of suggesting that the letter should appear on the records of the Senate. It should appear that the hon. gentleman from Delanaudière made his motion, and thereupon this letter was submitted, and in consequence of the fact that the letter had been submitted the hon. gentleman withdrew his motion.

HON. MR. BELLEROSE—My intention was to move that the letter be printed in the Minutes.

HON. MR. MILLER—The letter will go into the Debates of course.

HON. MR. POWER—It should be in the Minutes.

HON. MR. McINNES (B.C.)—I may say that I was not a party to the course adopted by the hon. gentleman who has

just moved in this matter. I had no idea that he was going to put a notice on the paper calling upon the Inspector to appear at the Bar of the House. This was done on his own responsibility; I never was consulted in the matter. I rise for the purpose of calling attention to the fact that Mr. Moylan is only an official of the Government, and, as far as his apology is concerned it is all right. No hon. gentlemen could expect anything else, than to make such an apology as he has made to the leader of the Senate, but that report of his was submitted to his chief, and the Minister of Justice fathers it. I do not think that it would be derogatory to the high standing of the Minister of Justice to send a letter to the Senate disclaiming any intention of insulting any member of the Senate or the Senators as a whole. He owes it to himself and to the leader of this House, and he owes it to this House more particularly after the unanimous expression of opinion here by every hon. gentleman who spoke some four or five days ago on this subject. Had there been a division of opinion, it would be a little different, but the construction that the *Mail* and other newspapers placed on the report confirmed the construction put upon it by the hon. gentleman from DeLanaudière, the hon. gentleman from Halifax, a countryman and co-religionist and who has been on the most friendly terms for a great number of years with the offender, (and all those things had to be overcome) the hon. gentleman from Ottawa (Mr. Scott) and the hon. gentleman from Mille Isles, every hon. gentleman that spoke here confirmed the impression that was made on me, that the Inspector intended to make a gross attack on me as an individual, and on the Senate as a whole. There was only one opinion, notwithstanding the extraordinary efforts put forth by our leader to put a different construction upon it. In view of all that, it is but fair and just to the Minister himself, to the hon. gentleman who leads this House and to the Senate, that the Minister of Justice should make some reparation for what has gone abroad in the report, under his sanction. I said the other day, I believe he never read it and never meant that such a construction should be placed upon it. It should be remembered that this is not the first or the second time that this same official has been guilty of such conduct. In view of the fact that he is a well educated man, an old journalist who knows precisely the meaning of what he writes, I think it is only fair and just to all parties that some acknowledgement should be made by the Minister of Justice that he never intended, in the report issued by his authority, that there should be any reflection on this House or on any of its members.

HON. MR. MASSON—I regret that the hon. member desires to push the thing further than it has been pushed. I do not see what is the responsibility of the Minister. He has the ordinary responsibility of a Minister of the Crown and on that responsibility we can judge him and we can vote want of confidence against him if we choose to do so; but he has not insulted a single member of this House; he has not even supported the man who, we thought, had insulted the House, since he came to the conclusion himself that there was no insult in the matter complained of. We can have our opinion of the Minister of Justice and we can express that opinion by a vote against the report of that Minister or any other Minister, but to exact that he should write an apology to this House when he has committed no crime, is further than this House is prepared to go.

HON. MR. KAULBACH—The other day, in order to shorten the discussion on this matter, I failed to express my views, and I do not want to do so now. When my hon. friend opposite (Mr. McInnes) showed me Mr. Moylan's report I expressed to him the same opinion with regard to it as the leader of the House did—that it certainly did not apply to him, and I think, after the avowal of the Inspector himself, and after the language used by the hon. gentleman from British Columbia in this House under the privilege he has in Parliament, stigmatizing the Inspector's conduct in the way he did, and, after the excuse the Inspector has made, saying that he never intended to reflect upon the hon. Senator, and had no reference to him at all, I think this matter has gone far enough. I believe that if the vote of the House had been taken on the question when it was first before the House instead of being unanimous in the matter, a contrary vote would have been recorded.

HON. MR. DEVER—I think it is time that this thing was blotted out; at the same time if I thought any offence had been given to us individually, or collectively as a Senate, I would be inclined to resent it; but as the Inspector states that no possible offence was intended towards the hon. gentleman, the matter falls to the ground. Under the circumstances, I would suppose that the gentleman who got this ample apology declaring that nothing offensive was meant or intended, he should be satisfied, and the House ought to be satisfied without going further.

HON. MR. BELLEROSE—I cannot accept the view entertained by the hon. gentleman from Mille Iles. It is well known that by our constitution public officers are not responsible to Parliament; it is the chiefs of the Departments who are responsible, and what ever offences a servant of the Government may perpetrate it is always to the chief we have recourse for redress. In this instance the Minister has put his signature to the report. He gave it the authority of the Minister of Justice. The book is before us; it is not here because it is signed by Mr. Moylan, but because it is the report of a Minister responsible to Parliament, so that in this instance, it is not Mr. Moylan, but the Minister of Justice that is the guilty party. It may be answered, why did you not accuse the Minister? I did not like to do so then, because I thought, as I think now, that Mr. Moylan is guilty of writing the report. When we try two criminals, we begin first with one, and when that one is disposed of we then take up the other. In this case I followed that course, though I must acknowledge it was not my intention to go any further, and make any charge against the chief of the Department. There may be different views in the House as to whether that is all that should be done. The question being put as to the Minister it is better for him to meet the objection fairly, and fairly it must be acknowledged that the Minister is responsible for this insult to an hon. Senator, and a breach of the privileges of this House. I hope my hon. friend from British Columbia will let the matter drop. It is well known that we opposition members have succeeded in bringing the Inspector to the notice of Parliament, and I hope my hon. friend will not persist in his course, although I think he is right, and for this reason: Did not the leader of the House state last year that Mr. Moylan had received three punishments for the breaches of privileges of which I had been the victim? First, that he had been reprimanded; second, that he had received a letter of reproof, and third, that he had been deprived of an increase of salary. The Inspector has since received his increase, and where is the punishment if he received the reward the next year, after having been charged with the grossest offence that an officer could be charged with, and I am the party who accused him? He was again charged on Monday last, by the hon. member from Mille Iles that in the investigation at St. Vincent de Paul he had acted as both judge and accuser. In my opinion the best thing the Government could do with Mr. Moylan is to superannuate him or put him in some other position for which he is probably better fitted.

HON. MR. MASSON—We cannot certainly ask the Minister for an apology, nor can we punish him when Mr. Moylan himself says he had no intention of insulting the hon. gentleman from New Westminster, and the Minister of Justice gives the same interpretation to his report.

HON. MR. POWER—I hope the hon. gentleman from New Westminster will accept this letter as closing the incident. I do not look upon the constitutional question in the same way as the hon. gentleman from Delanaudière or as the hon. gentleman from New Westminster. The Minister of Justice, and the leader of this House also, were held responsible for the report of Mr. Moylan. Now, Mr. Moylan sends a letter here which is regarded by the House at large as a satisfactory apology.

HON. MR. ALMON—It is not an apology; it is an explanation.

HON. MR. POWER—It is an apology.

HON. MR. ALMON—It is only an explanation.

HON. MR. POWER—We will not quarrel over a small question like that but we must give the Minister of Justice and the leader of this House credit for this apology. The apology has come through their hands, and they are to a certain extent responsible for it as they were responsible for the previous offence, and the letter

should close the incident as far as the House is concerned. As a mere matter of practice I think the letter should appear on the Minutes of the Senate.

HON. MR. ABBOTT—It will.

HON. MR. POWER—It will appear in the Minutes that the hon. gentleman from Delanaudiere moved his motion that Mr. Moylan be called to the Bar of this House; this letter is submitted, and if I am allowed to make the suggestion, or if my suggestion is not a good one, some other may be made, some gentleman should move that the letter submitted by the leader of the House be inserted in the minutes, whereupon the hon. gentleman withdraws his motion and that will explain the whole transaction.

HON. MR. BELLEROSE—I move that my motion be withdrawn and that the letter be accepted as a sufficient apology?

HON. MR. SPEAKER—Would it not be the simplest mode if the motion made by the hon. gentleman is recorded, and it is entered in the Minutes that the leader laid a letter on the Table of the House; it will then appear in the Minutes that thereupon the motion was withdrawn.

HON. MR. ABBOTT—I enquired of the Clerk of the House and he told me that that would be the course—having laid the letter upon the Table of the House it would appear in the Minutes.

HON. MR. MILLER—That could not be done without a motion.

HON. MR. McINNES (B.C.)—I had no intention whatever of pursuing this subject any further than bringing it to the notice of the House. As I said before I was not aware that the hon. gentleman from Delanaudiere was going to move in the matter at all. He never consulted me, and I merely made the remarks I did with respect to the Minister of Justice on my own responsibility, and it is for the House to deal with it or accept it as they please. I shall not move any further. I have been attacked individually, but that attack is made on every hon. member in this House. I hold the same views yet. I may say that if I am spared another year the chances are that I will bring such evidence with me to enable me to formulate charges in connection with alleged gross abuses in the British Columbia Penitentiary, that the Government must grant a commission composed of gentlemen entirely dissociated with the Government. So that if abuses exist they will be righted and the offenders punished—if no abuses exist the officials will be honorably exonerated from all blame.

HON. MR. ABBOTT—With reference to what the hon. gentleman from Delanaudière has said as to the Inspector's salary, what was stated at the time was that he was entitled to an increase of salary that year, and that would be witheld from him in consequence of his conduct. The increase was $400. That was witheld from him for the financial year 1887-88. I think that was the promise I made.

HON. MR. BELLEROSE—I would like to ask the leader of the House to answer this question. Last year he made a promise in these words, in the Senate, with regard to a question of mine with regard to a return called for, of papers connected with the sham investigation at St. Vincent de Paul Penitentiary:—

"The Government have no objection to send down any papers they possess, which at present comprise only the English notes of the evidence taken on the occasion referred to. The Government are quite ready to lay before the House the notes they have in their possession, and when they get the French notes they will bring them down also."

The House has been three months in session and those papers promised by the hon. gentleman have not come down yet, and I will ask him whether they are to be brought down this session.

HON. MR. ABBOTT—Whatever motion my hon. friend made, and was passed by this House was transmitted to the Minister, and I presumed that he had made the return required by that motion. If my hon. friend will give me a note of the demand he made I will see if it was sent down and if not, why, and if there be anything more we will produce it.

The motion was withdrawn.

COMMISSIONER A. F. WOOD'S EXPENSES.

MOTION.

HON. MR. FLINT 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 statement in detail of the amount paid to A. F. Wood, Esquire, Commissioner sent to investigate the charges mades against Mr. Ellis and others,

in reference to the management and expenses of the Welland Canal, the number of days employed, the number of adjournments, the amount allowed per day as salary, also for board, travelling and other expenses. Also for any amounts for time and expenses in connection with the Murray and Trent Valley Canals, since the last report was furnished to this House last Session.

He said: It will be recollected, I think, by all those who were in the House last Session and the Session before, that each Session I moved for a statement of the expenses incurred by the Government in reference to A. F. Wood Esq., in connection with the Murray and Trent Canals. The first return came down so late that I was not able to see it; the second return came down in time. I made my comments on it then, and showed as far as I could show that there was too much paid for the services professed to be given by Mr. Wood, especially in reference to board—that in the places where this gentleman went to attend to this business, the public houses charged from $1 to $1.50 a day; and none charged more than $2.00, but it seems to have had no effect, and my object is to see if something cannot be done to lessen the expense, as well as to show that Mr. Wood is not a fit and proper man for the position which he held. In reference to that I will say nothing further, but I was led, after he was appointed commissioner for the investigation of the matters connected with the Welland Canal on the charges made by the hon. gentleman from Monk, and after hearing the hon. gentleman's remarks upon it, and seeing no report, except the one that was in the *Empire*, and which was not signed and which was never, I believe, laid upon the table of this House, to again ask the privilege of allowing the House to have a statement of the amount of the expenses in connection with that investigation. That commissioner should never have been appointed. I am surprised at my hon. friend, the leader of the Government, as well as my hon. friend the Minister of Customs, knowing that gentleman's actions heretofore, having consented to placing him in such a responsible position. Some years ago — I am obliged to make this statement to show the reason for the course I am taking— Mr. Wood was removed, from some cause or other, from the post office at Madoc, and, at the same time, he had been guilty of issuing marriage certificates and taking pay for those marriage certificates, without license. The fee at that time was $6 for the license, $4 of which went to the Government and $2 to the issuer of the license. It was stated that 42 of these certificates were given, all of which were illegal and which would, of course, leave upon the children, the issue of those marriages, the stamp of illegitimacy. It was brought to public notice at last by Mr. and Mrs. Walbridge of Belleville and they were bound to prosecute Mr. Wood. Sitting on this Chair alongside of me in this Chamber Mr. Wood asked my advice as to what he had better do in view of the prosecution. He did not admit that 42 certificates had been issued, but he admitted that he had issued certificates without license and that marriages had taken place under them, which were no marriages at all, and he wanted to know what he would do. He told me he thought that the best thing he could do was to go home and throw up his wardenship and reeveship and leave the country. I advised him not to do so, because I thought it was a political persecution—not because I agreed with Mr. Wood politically, but because I believed he was persecuted. These facts were known to the Premier of the country. They were well known to the Minister of Customs, and it did strike me that after what I stated last Session and the Session before, it was time that those gentlemen should be stopped from giving this man such a position as he has held. What has he done? I see from the Belleville *Intelligencer* that a certain member of the House of Commons has stated that Mr. Wood was paid for 190 days at $10 a day, besides expenses, amounting in all to $3,056.36, or at the rate of $15.67 per day.

Now, if this is true—I do not say it is true —that that gentleman took 190 days pay for attending to that matter, it strikes me there is something wrong about it. At all events, after hearing the first report of Mr. Wood, and comparing it with what was published in the papers as a second report, I am satisfied that he was not the proper person to send to make that investigation. I am satisfied that every attempt was made on his part to cover up the faults of those whose conduct was being investigated. It is evident that if Mr. Moylan, in his report, reflected upon the hon. member for New Westminster, Mr. Wood has, in his report reflected more

strongly upon my hon. friend from Monk, and if any man that I know should be brought to the bar of the House, it is Mr. Wood himself. I am satisfied, from all the information I can obtain, that the hon. gentleman from Monk was justified in making the charges that he made in this House. I am satisfied that Mr. Wood is not a fit and proper person to hold Her Majesty's commission for anything whatever. I know, and I believe the Minister of Customs knows, that there are other things against the gentleman, which, if brought to light, would not make him look very well in the eyes of the public. He should never have been appointed, and I believe he is just the sort of man, if a good sum had been held out to him, who would make a false report or would so manage it as to cover up, as far as possible, the sins of those whose conduct he was sent to inves tigate. He may be fit for such work on the principle of setting a rogue to catch a rogue. My object in including the last two investigations is this: perhaps a portion of the 190 days was spent on the Trent and Murray Canals, and, if so, it should be separated from the other. It is evident that he is fattening at the public expense. It is no more than right that the Government should endeavor to employ good, faithful and true men and pay them liberally, but $15.67 a day is a little too much for this country to be paying a commissioner. He has put down even 25 cents for stationery in one of his reports. While we are willing to do everything in our power to advance the material interests of the country by constructing railways and canals, we should be careful not to incur needless expense in connection with those who are appointed to look after them. I believe in giving them a fair allowance but not an extravagant sum. We must economize, if we are to become a great country: we must be careful of our expenditure. I would rather see $100,000 spent on canals and railroads than $100 spent in the way it has been done on Mr. Wood.

HON. MR. ABBOTT—I have no objection to the motion.

HON. MR. McCALLUM—I will not occupy the time of the House very long about this matter.

HON. MR. KAULBACH—Is it the old story?

HON. MR. McCALLUM—No, I am not going over the old story; and I will remind the hon. gentleman that I do not trouble the House with as many old stories as he does. My hon. friend from Trent gives a very bad account of Mr. Wood's conduct. I do not know that I can give a bad account of him; I was with him for some time, and except that I considered he did not admit proper evidence, I cannot say that he failed to conduct the investigation properly. The hon. gentleman gives him credit for making two reports, and says that he only saw the first one. I understood the leader of the House to say that he did not know whether the second document was a report at all. He said further that the second report was sent to the Department after the other was laid on the Table. I did not like to contradict him then, and I would not like to say that he stated what he believed was not correct at the time, but I would say to the House that that second report, from the best information that I can get, has been in the hands of the Government since the 30th January last, and the first report was laid on the Table of the House on the 3rd or 4th of March, so my hon. friend was not correctly informed on that point. The second report has not been laid on the Table of this House yet. The public have paid for it and it ought to be submitted to Parliament. My hon. friend, the leader of the House, said some time ago, "I hope my hon. friend will dismiss from his own mind, and will also assist me in removing the impression from the minds of hon. gentlemen that the Government is acting or feels in any way different from what he says it ought to feel. The Government has nothing to conceal in the matter." I stated in this House two or three different times that I could not see that the Government had anything to conceal in the matter, but if they withhold from the public certain public documents that should be laid on the Table, I must begin to suspect there is something to conceal. Why is not this second report laid on the Table? My hon. friend said the other day that this matter was under the consideration of the Government and that he would inform me what the decision was as soon as it was arrived at. It had then been under the consideration of the Government for two months and it has not been laid on the Table yet. I hope

he will bring it down and with it the report of the evidence taken at the investigation, so that the people may be the judges whether my statement is sustained by the evidence. What does the second report say? It says that the Government of this country is wasting $20,000 a year on the Welland Canal. That is a serious matter, and if it is true, I do not see why it should be hid. But let us have this report: let the Government acknowledge that it is an official report, and not say that they do not know whether it is official or not. They asked this commissioner to make a second report; therefore it must be official. By acciden' it got into the newspapers; otherwise we would not have known anything about it at all. I would urge again, without making any formal motion in the House, that the evidence taken at that investigation be laid upon the Table and then it will be for the Printing Committee to have it published. If it is published, the money will be well expended. It will show to the people of this country how an important public work has been conducted under the management of the parties, who are still, I am sorry to say, in charge of it, after all that has been shown against them. The Government has had plenty of time to know whether my statements to this House are correct or not. If they are correct, why are these parties kept in their positions conducting an important public work? I have stated in this House, and I stand by every word I uttered, that this man Ellis took $3,250 for himself, and that he wasted $33,672 of the public money, as far as I could get at it, and I am satisfied from what has come to my knowledge since, that I did not get at 5 per cent. of the wrong-doings on the Welland Canal. I do not want to take up the time of the House telling an old story, but if my hon. friend will lay the two reports on the Table with the evidence taken at the investigation, I am willing to discuss it clause by clause and show the people of this country that my allegations are true. This gentleman, to whom the motion refers, in his first report, misquotes evidence in order to hide facts from the Government of this country that they should know. I cannot imagine why he did it. I cannot believe for a moment that it was an error of judgment: there must be some other ground for it. The Government were not satisfied with the first report, and they got him to make a second one, and in that he comes right down pretty close to the evidence, because he states that a large amount of money could be saved which is at present wasted on the Welland Canal. He comes down pretty near to what I stated. We have the first report, such as it is. He censures the wrong-doers even there: he says that thy did wrong, but that they did not mean to do it. We have the first report; give us the second report and the evidence, and let them go to the people and it will be a warning to evil-doers hereafter and we will get a proper administration of the public works of this country.

HON. MR. ABBOTT—If the hon. gentleman had moved for the second report, or called my attention to it after the little discussion that took place here, I would undoubtedly have endeavored to get it, but as he did not mention it to me again and it was informally discussed, it never occurred to me afterwards. However, I have made a note of it and will enquire what decision has been arrived at. There can be no objection to bringing down the evidence, but for form's sake, it would be better for him to put a notice on the paper calling for it. It will be a big job copying such a voluminous report, and will take some time, but if the hon. gentleman requires it the report must be brought down.

HON. MR. MCCALLUM—I will read what the hon. gentleman said on the occasion to which I have referred: "If the Government determine to treat this as an official report, it will be laid before the House. In a few days the decision will be arrived at." I depended on my leader laying that on the Table; that is why I did not move in the matter at all. Does the hon. gentleman require me to give notice? There is his own promise. I depended on him before, and I will depend on him now if he says he will bring down the report.

HON. MR. ABBOTT—My hon. friend is a little unreasonable. I have not had any information as to the decision about this report, and if my hon. friend desired to have it, he sits near me and he might simply have said to me: "Have you heard anything about the report?" I confess it passed out of my mind, but now that he has reminded me of it I will enquire what has been done; but as respects the evidence,

I think he had better give notice and move that it be brought down.

The motion was agreed to.

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

TRIRD READING.

The Order of the Day being called—Third reading Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes," as amended,

HON. MR. ABBOTT said: As the House is aware, when we completed the very exhaustive examination that we made of this Bill, the House ordered that it be reprinted, and it has been reprinted. Since that I have again gone over it carefully with my colleague, the Minister of Justice, and there are two or three points in which we can still make some slight emendations. We inserted a provision that if a cheque payable to order was paid out of the drawer's funds on a forged endorsement, the drawer should give notice of the forgery within a limited time, but we omitted to provide for the case where the cheque is paid out of an overdrawn account. There is also a point to which my hon. friend from Montreal called my attention, but which escaped my notice. There is a provision in the law that if a bill is drawn on a man whose name is mis-spelled, he may endorse that bill in the name attributed to him in the body of the Bill, and if he thinks fit he may also add his own name. My hon. friend from Montreal suggested that it ought not to be optional to state his own name, that he should state his own name as well as the one in the body of the Bill. In fact there is some irregularity in a man signing a name which is not his own, and if he does so he ought to be required to put his own name also. I propose to strike out the words "if he see fit." Then there was another clause which gave us a great deal of trouble, sub-section *b* of clause 51. This clause read in a most extraordinary manner, and we took some trouble to amend it. The clause said:

"When a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, or at a place in Canada situated not more than five miles therefrom, and no further presentment for payment to, or demand on, the drawee is necessary."

That appeared to us to be nonsense, as it required a bill dishonored by non-acceptance to be held over and protested for non-payment. The House also thought it was wrong, and it was made to read that if a bill was drawn of this description and dishonored by non-acceptance or non-payment, then in the case of non-acceptance it must be protested at the place where it was presented for acceptance, and if dishonored by non-payment it must be protested at the place where it was payable. After a long discussion, trying to find out what was the reason for putting it in this shape, we found that it was a clause drawn from an old English Bill which was entirely foreign to our present practice, and in order to do all that is needful, namely, to ensure its being protested for non-acceptance or non-payment, as the case may be, at the proper place, nothing more is necessary than sub-section 6, which provides:

"A bill must be protested at the place where it is dishonored, or at some other place in Canada situate within five miles of the place of the presentment and dishonor of such bill.

That applies of course to whatever dishonor occurs. If it be a dishonor by non-acceptance the protest must be made at the place where it is refused acceptance; if it be dishonored for non-payment the protest must be where it was payable. I propose to ask the House to strike out that sub-section *b*, which has given us so much trouble, as being unnecessary. There is nothing else of importance in this voluminous bill except a word or two in the schedules which uses the words "a householder in the said district." This is taken from an English Statute and is not appropriate in our form. I move that the Bill be not now read the third time, but that it be referred back to a Committee of the whole House for amendment.

The motion was agreed to.

In the Committee, the amendments explained were made.

HON. MR. DRUMMOND—I propose now the amendment of which I gave notice, which is to strike out the words "except in the Province of Quebec" in the 51st clause. I think a great deal more importance has been attached to the effect of this omission than it will reasonably bear, but whatever it is I think it a pity that a Bill which professes to be a general law for the whole Dominion should contain an

exception in regard to the Province of Quebec. It has been explained to me, by legal gentlemen, that there are special provisions in the Code of Quebec which make it more desirable in that Province that the noting or protesting should be done by a notary, but as my reading of the Bill as amended would be somewhat different from that, I would like to say that it appears to me that if my amendment were accepted the Bill would read something after this fashion: "But it shall not be necessary to note or protest any inland bill in order to preserve the recourse against the drawer or endorser." Now, the question is put to me what effect would this have upon the employment of notaries and the payment of their fees? If you go on to clause 93, second sub-section, you will perceive that in clause 51, as amended, the option of protesting and noting lies with the holder. If he elects to note and protest in the usual fashion clause 92 comes into effect, "the expense of noting and protesting any bill or note and the postages thereby incurred shall be allowed and paid to the holder in addition to any interest thereon." Now, if that be so, the only effect of my amendment would be that in exceptional cases of great importance to the mercantile community the noting or protesting might be delayed or omitted altogether. Now there are a thousand cases in which, in the interest of the merchant or dealer, it is of the greatest importance that there should be no protest, and in which he might validly and legitimately refuse to accept or even pay a bill, and the bank or holder is to be compelled to note or protest it, whatever he might think was the objection to accepting or paying it. I remember when the Bill was in committee there was a serious objection to the short delay between the application for acceptance and the noting and protesting after it, and the reason given by several merchants was this: there might be special reasons such as delay in receiving advice or documents or explanations by mail which might make it advisable to refuse acceptance, and for that reason the time was extended to permit him to exercise his option. Now I have no doubt, whatever, that if my amendment is carried and this invidious exception of the Province of Quebec from the application of the Bill which professes to be for the whole Dominion is removed, the effect will be that the banks and merchants will continue to note the protest as usual, except under special circumstances which will be a small exception from the general rule. They will do that to save themselves from any possible contingency with reference to evidence in a court of law. I believe that a notarial protest is evidence sufficient in law in the Province of Quebec, and in the absence of it the evidence of a party who had given the necessary notices would be required. That is a serious contingency to be encountered by a bank, and they would elect in 99 out of 100 cases to go on as they do now, noting and protesting and pay the notarial fees. Such is my interpretation of the law, but it gives the power to the holder of the bill, be it a bank or a private holder, to elect under special circumstances to waive the notarial noting and protesting if there is given the holder satisfactory reason why it should be omitted, and I may say it occurs very often in the experience of a mercantile firm or individuals to ask for a delay and ask for the omission of this protest.

The Council of the Board of Trade at Montreal, on the last occasion, when I gave notice telegraphed me as follows:—

"Council strongly objects to Quebec exceptions in clause 51 of Bills Exchange Act, as being inimical to trade interests and entirely unnecessary. Council earnestly prays that Province of Quebec be placed on the same footing as other Provinces."

In confirmation of that I received from the Council at its next meeting the following letter:—

"Office Board of Trade,
"10 St. John & 39 St. Sacrament St.
"MONTREAL, 22nd April, 1890.

"Hon. GEO. A. DRUMMOND, Senator,
"OTTAWA.

"DEAR SIR,-Referring to telegram sent you on 14th inst., stating that the council strongly objects to the Quebec exceptions in clause 51 of Bills of Exchange Bill as being inimical to trade interests and entirely unnecessary. I am now to say that the clause was further considered at to-day's meeting of the council with the result that I am again to address you urging that strenuous endeavor be made to have those exceptions expunged from the Bill.

"The council endorses of course the provision that those who desire to protest a Bill notarially should be permitted to do so, but it is strongly opposed to notarial protest being made compulsory, as is proposed to be done in clause 51 as it now stands.

"I am, dear Sir,
"Yours obediently,
"GEO. HADRILL,
"*Secretary.*"

I have further to say that previous to giving the notice of motion to which I have already referred, I had the advantage

of the opinion of a learned judge of the Province of Quebec, and his opinion was that the exception in favor of Quebec to the general tenor of this Act, was to be regretted. I have, since that notice was given, again seen the learned judge I have referred to, and he is of the opinion that the notice of motion that I have given is one that should be adopted by this honorable House. I have further to say, as some alarm seems to have existed in the minds of the notarial profession by what naturally is a misapprehension of the nature of the Bill, I had a call from a notary of Quebec, who had been deputed by the profession to look into this matter, and, after a discussion of the amendment with him, he professed himself entirely satisfied with my view of the matter, and, as I understood him, was agreeable to the change I propose.

HON. MR. BOLDUC—I could understand to object of my hon. friend's motion more easily, if by it he proposed to do away with the clause 48, for by that clause I see it is provided:

"Subject to the provisions of this Act, when a bill has been dishonored by non-acceptance or by non-payment, notice of dishonor must be given to the drawer and each endorser, and any drawer or endorser to whom such notice is not given is discharged; Provided, &c."

So that even if the amendment passed the holder of a bill or promissory note will have to give notice anyway. In the Province of Quebec we have always been in the habit of giving notarial notice, so that when there is a law-suit and the holder of a promissory note is bound to go before the courts, he has an authentic proof that the notice has been given; and in almost all cases it has been proved that the expenses are less by protesting through a notary than to keep one or two witnesses in the court sometimes two or three days to give evidence that notice had been served. I do not know that it is the same thing in all the Provinces, but in the Province of Quebec when there is no notarial protest the evidence of notice must be given in enquête so that the person employed to give notice is detained two or three days, and the expenses are always much heavier than if the protest is made by a notary. This Bill has been circulated through the whole Province of Quebec, and I understand that almost all the commercial corporations are satisfied with it as it stands, and would prefer it rather than the amendment proposed by my hon. friend from Montreal. Even Mr. Charlebois, who was deputed by the notarial profession of Quebec to come here and protest against the amendment proposed by my hon. friend, received a telegram while he was here from Mr. McClellan, of Montreal, saying:

"Have seen Sir Donald Smith, who says amendment must be opposed in Senate."

And further Mr. Charlebois received while here, the following letter from Mr. Lafrance, of La Banque Nationale, which I will read to the House:—

"LA BANQUE NATIONALE,
"QUEBEC, 16th April, 1890.

"J. A. CHARLEBOIS, Esq., N.P.,

"DEAR SIR,—I am informed that you are going to Ottawa to oppose the adoption of Hon. Mr. Drumond's amendment to the Bill of the hon. Minister of Justice. Do be kind enough to speak on our behalf to the Minister of Justice to represent to him that the banks in general are satisfied with the system actually in force for protesting notes, &c., and that the Bill on Bills of Exchange and Promissory Notes which has passed the Commons protects our interests in the Province of Quebec and that the modification or amendment proposed by the Hon. Mr. Drummond if accepted will be the cause of considerable embarrassment to the banks, and the holders of negotiable paper will thereby suffer great damage.

"Yours truly,
"P. LAFRANCE.
"*Cashier.*"

From what I have learned from commercial men and bankers since this notice was given, I believe that the general opinion of the Province of Quebec is strongly opposed to the modification of clause 51 as it now stands. If the commercial corporations and banks of the Province of Quebec had thought fit to object to clause 51 as it is in the Bill, we would have received many petitions asking us to support the amendment of the hon. gentleman; but he has only been able to read to the House a resolution passed by the Board of Trade of Montreal. I am not surprised at that resolution, because three or four years ago the Board of Trade of Montreal presented a petition to the Quebec Legislature, asking one little favor, which was to do away completely with the notarial profession—about 800 or 900 gentlemen in the Province of Quebec, and to repeal 300 or 400 articles of our Civil Code. There are in this House gentlemen who have a large notarial practice in the Province of Quebec and I am sure that they will all agree with me that the protest made by a notary in nine cases

out of ten saves expense. For these reasons I hope the amendment moved by my hon. friend will not be accepted. I may add, that if the House is under the impression that because I am a notary myself I am working strongly in my own favor, I may say that I have been a notary for eighteen years, and I don't believe that I have protested five notes during that time, and I do not expect that I shall protest as many more during the remainder of my life.

HON. MR. KAULBACH—I do not see why the holder of an inland bill should not be allowed to protest it by notary or not, as he pleased. Why should we create this exception in the law relating to Bills of Exchange and Promissory Notes? I do not see why the Province of Quebec should be exempted from a commercial law that applies to the rest of the Dominion. It is quite evident that this clause has been drafted in the interest of the notarial profession. We have the hon. gentleman from Montreal (Mr. Drummond), representing one of the largest trade centres in the Dominion, saying that it is the desire of the banks and of the board of trade that this exception should not be made, and I cannot for the life of me see why Quebec should be excepted from the rule which governs all transactions of this kind in the other Provinces. It is most desirable that the law relating to commerce should be uniform throughout the Dominion. Why we should force the holder of a note, against his will, to go to a notary to have it protested, I cannot see. If he desires to risk more expense to prove dishonor he has to bear it himself, and why it should be otherwise in Quebec from what it is in any other part of the Dominion, I cannot understand. I have yet to see any argument to justify it.

HON. MR. PELLETIER—I regret that the hon. gentleman from Montreal persists in his amendment, for I say positively that it does not represent public opinion in the Province of Quebec. Before he gave notice of that amendment there was no complaint, either before Parliament or elsewhere. Last year a Bill, similar to the one now before us, was submitted to the House, but was not carried through. In that Bill the Province of Quebec was not excepted in the manner of protesting notes, but the banks of Quebec and the merchants, seeing that an amendment was to be made in the law that had worked for so many years satisfactorily, protested against the change. A deputation was sent from Quebec, from the Board of Trade and the banks, and Hon. Justice Casault was asked to draw up a memorandum to send it to the Minister of Justice. He did so, and presented it to the Minister of Justice, who was so convinced thereby that the amendment would be injurious to the system in Quebec that he stated that it would not be changed, and the Bill this year has been prepared so as to exempt Quebec from the operation of this clause. The reason that no representation was made from the Board of Trade of Quebec this year is, that when the hon. gentleman from Montreal gave his notice the other day it was not thought in Quebec that it would meet with any support, because it was supposed that the Bill would go through as it is. The moment that notice of this amendment was given, another deputation came from Quebec, and was delayed here two or three days, but the Bill was postponed until to-day, and they had to return. The notaries from Quebec came here with representations quite different from that mentioned by the hon. gentleman from Montreal. I met their representative myself, and either I misunderstood him or the hon. gentleman from Montreal misunderstood him, for to me he did not seem to be in favor of the amendment at all. I would like to see one notary from Quebec who is in favor of it, I am sure the hon. gentleman could not name one. One feature that must strike the House is that the complaint against this clause has come only at this late stage of the Bill. It was never mentioned in the House of Commons, because there the Minister of Justice admitted that the Province of Quebec, had been under this system for many years, and it was working so well there that there was no reason to change it. The hon. gentleman mentioned that this amendment would come in conflict with several clauses of the Civil Code of Quebec, which would have to be changed, and it was only when the hon. gentleman gave his notice that members from the other Provinces came to his rescue. I do not see why they should. It does not affect them. The expenses of notarial protest in Quebec are not more than the cost of protest in other Provinces, because as a

rule the notes protested come before the court, and when they come before the court the notarial protest saves the expense of bringing witnesses, which is certainly a great deal more than the cost of the protest. The other Provinces had never any cause of complaint on account of our system, and why take from Quebec a system which has worked well for so many years, and does not affect any other Province?

HON. MR. LACOSTE—I regret to see that the hon. gentleman from Lunenburg objects to the law as it is now. He says the law should be uniform throughout the Dominion. I quite admit that it is desirable that the commercial law should be uniform, but, at the same time, I do not see that in a case like this there is any interference with the other Provinces. This exception applies only to inland bills, and bills in the Province of Quebec.

HON. MR. POWER—No; all over Canada now.

HON. MR. LACOSTE—This formality relates only to the evidence of proof. Now, if you want to make it a general rule and say that the endorser will have to pay a note after it has matured, without any formality by the holder, I quite agree with that. It would be altogether a new system, but you adopt the old system, and you admit even in this legislation that it is necessary to multiply the notifications. What is a notification? It is nothing more than a protest. I believe, in the other Provinces you require, if you sue, to prove two things, that the note has been presented at the place of payment, and that there are no funds there. You have to prove also the notification which you have given to the endorsers. This is the protest. The protest is merely a notary going to the bank or place of payment of the note, and asking if there are funds there, and then sending the notices.

HON. MR. POWER.—Why not leave it to the holder to protest?

HON. MR. LACOSTE.—Because, under our system, we think it is not right to leave the proof to the uncertainty of parole evidence. And because the agent of the holder is an interested party and liable to perjure himself. We think the authenticated protest is not only in favor of the holder, but of the bank and of the endorsers. They are shown that this notification has been given. They are shown that the protest has been served. If it is a mere notice sent by the holder of the note through a third party, then we must come to parole evidence, very often given by parties interested, and we have always thought, in the Province of Quebec, that it was safer to have authenticated proof, and that is the reason why we want protests to be made by notaries, so that they may be authentic. The hon. gentleman from Montreal says that the Board of Trade considers that this legislation is inimical to trade. How is it inimical to trade, when, as the hon. gentleman admits himself, ninety-nine of the notes out of every one hundred will be protested? I do not see why we should not leave the Bill as it is. There are very strong grounds in favor of our system. In Ontario, I am told by counsel that in most cases they do protest. In our Province we must protest in every case. And we have to do it, because we do not want to leave evidence of these facts to the uncertainty of parole evidence. We are satisfied in the Province of Quebec with the law as it is. This legislation has existed for a great many years—since the foundation of the Province, and I believe every one is satisfied with it. I do not know the name of the hon. judge who gave an opinion against it to the hon. gentleman from Montreal, but I know myself the opinion of the judges in Quebec, and I know the opinion of the leading members of the bar, and our leader here, who is also leader of the bar in Montreal, can tell you the opinion of the bar there.

HON. MR. VIDAL—I entirely concur with the view of this matter presented to the House by the hon. member from Lunenburg. I think it is exceedingly important that the commercial law of the country should be one throughout the Dominion. I do not think that the amendment now before us would produce the difficulties which have been so eloquently set before us by the hon. gentlemen from Grandville and Lauzon. If we eliminate this exception, as proposed by the hon. gentleman from Montreal, we will just leave the matter in this shape, that every merchant in Quebec that likes to protest by notary, will have full power to do so.

It is not as if by this Bill we say, "You shall not protest bills;" it merely gives the privilege to one out of the hundred, who, under peculiar circumstances, may see fit to hold an acceptance or a bill for a few days for reasons quite satisfactory to a mercantile man. Why should he not have that privilege? It does not interfere in the least degree with the rights and privileges that have been enjoyed hitherto by notaries in the Province of Quebec, and I cannot see why there should be such determined opposition to it. Moreover, if it is good that this system should prevail in Quebec, then let us have it throughout the Dominion. We do not want any excellence in the law that we are not to be made partakers of also; but, when I see clearly and distinctly that this amendment will not interfere with the way they have carried on business for a century in Quebec, I cannot see what objection there is to it. There cannot be any doubt in the mind of any man conversant with business transactions that in 99 cases out of a 100 bills will be protested, and surely the House will not say that the 100th man, if for particular reasons he wishes to save the expense of protest, should not have the right to do it.

HON. MR. BELLEROSE—I do not see the force of the argument of the hon. gentleman from Sarnia, or of the hon. gentleman from Lunenburg. These hon. gentlemen state that it is necessary that the laws on this particular subject in every Province should be the same, but if they give an example where the laws of Quebec have done any mischief in any other Province I should understand it. Have they cited any case where a notarial protest in the Province of Quebec has done any injury in another Province? Then, when for twenty years past the law of Quebec has proved to have been a good law, why introduce this amendment? Why abolish the exception in favor of Quebec and oblige the people of that Province to learn a new system when they are so well accustomed to their old law? These two hon. gentlemen ought to know that in the Province of Quebec we have a right to our own civil laws, so in that respect you cannot assimilate the laws of the Provinces. Then, if you cannot assimilate them there, why assimilate them on subjects which up to this time have worked so admirably? If you change the law in the present instance you ought to show that it will be an improvement because before amending a law you must show that there is some advantage to be gained by it. We have been legislating for twenty years, these gentlemen have voted for all the laws that were passed here. They have voted for the laws for our judiciary. Are these laws uniform throughout the Dominion? They are not, and why did they not take exception to them? Did they not vote three or four years ago for an electoral franchise? And in that bill there were exceptions in favor of the smaller Provinces. Those exceptions were not for Quebec, but they voted for that bill with the exceptions, finding it impossible to make the law uniform. For these reasons I hope the Committee will leave the clause as it stands, as it is the law to which we are accustomed.

HON. MR. KAULBACH—My hon. friend does not seem to understand the difference in this law from other laws. Commercial law should be universal, and it is deplorable to think that there should be an exception to a principle which should be general everywhere. If it is optional to protest in every other Province of the Dominion why should Quebec be compelled to treat a note differently in order to collect it? It is deplorable to have such a difference in commercial law in the several Provinces, and I must support the amendment of my hon. friend.

HON. MR. DRUMMOND—I am very much surprised at the heat with which this proposition has been received. I said in my remarks at the beginning that in my opinion it would not alter the practice except in unusual cases, and that in 99 out of 100 cases the practice would remain as it is now. How anyone could be supposed to be inimical to the notarial profession of the Province of Quebec who holds that opinion passes me altogether. With reference to the Montreal Board of Trade, I am not aware what has been their action. My hon. friend spoke about them wishing to abolish the notarial profession in the Province of Quebec. I do not know of anything of that kind. For my own part, I disclaim emphatically any desire or intention to injure the notarial profession of Quebec, a class for whom I have the greatest respect. Some legal members of the Senate have spoken on this ques-

tion; not one of them has touched for a moment the argument that I presented, which was the option being left in the hands of the holder whether to protest or not, the costs of the protest, if he does protest being exigible as before, and even the fees as heretofore established being still preserved, wherein can the notarial profession suffer, except in the remote case which, as I have said, would be about one in 100? In ninety-nine out of 100 cases the fee would still be collected. The argument of the hon. gentleman from Delanaudière, if it was good for anything at all, was in favor of the adoption of this system for the whole Dominion. That was the logical result of his argument which was, that notarial protest did away with chances of perjury and other disagreeable and objectionable matters. If that is good for anything at all, it means that the Province of Quebec is not to be made an exception in the possession of this good thing, but that it should be applicable to the whole Dominion. Any one holding that opinion should move that the practice of the Province of Quebec be made applicable to the whole Dominion, and I should expect every honorable man throughout the whole Dominion to hail that.

HON. MR. LACOSTE—Then make the change.

HON. MR. DRUMMOND—I have no objection.

HON. MR. POWER—I have a strong objection.

HON. MR. DRUMMOND—If this Bill is amended as I propose, the banks will persue exactly the same course as they do now for their own protection. I do not believe that it will affect the number of protests to the extent of more than one in 100, but that one in 100 may be an exceptional case of hardship to which I object, as a commercial man, to have anyone subjected. It may be that there are special cases in which the holder of a Bill replies to all applications to him as to the propriety of remitting the protest in that case, that he is obliged to do it, that if he fails to protest he loses his recourse against the drawer. In all parts of the Dominion, except Quebec, if he elects not to protest he does not lose his recourse against the maker or endorser, and then all hardship on the part of the maker or endorser is got over by clause 48 which requires absolutely that notice be sent to the drawer and each endorser if the bill is either not paid or not accepted, which covers all objections to the omission of the notarial protest.

HON. MR. BELLEROSE—The hon. gentleman says that he has no such view as wishing to injure the notaries of our Province. I will show him that that will be the effect of his amendment. His view is that all the laws should be assimilated: in that case, we would have to dispense with our notaries in Quebec, because in other parts of the Dominion there are no notaries. We would have no work for our notaries and would have to get rid of them. The hon. gentleman does not propose exactly that, but he is taking the first step towards that end. We cannot accept those arguments. They are not in the public interest, and I believe that there has been enough of that sort of work done already. I hope in this instance the House will support our view that the Bill as it stands is in a satisfactory shape.

HON. MR. MACINNES (Burlington)—I have not had the advantage of hearing all that has been said with reference to this Bill, but it appears to me that as it is intended to make the laws on this subject throughout the Dominion uniform, there is no reason why any Province should be excepted from the general law, more especially as I understand that the notaries are not likely to be sufferers by reason of producing this uniformity.

HON. MR. ABBOTT—I find sometimes the comments which my hon. friends who live under the common law, make upon the laws of Lower Canada, somewhat amusing, and not very reasonable. The doctrine which my hon. friends lay down now is that the law with regard to the protest of promissory notes and bills ought to be uniform. My hon. friend from Lunenburg goes so far as to say that there is a sacred principle in all commercial law, that it must be uniform everywhere.

HON. MR. KAULBACH—It ought to be.

HON. MR. ABBOTT—My hon. friend is not aware that there are dozen of contracts which require to be protested in the Province of Quebec, commercial contracts,

which do not require to be protested in Upper Canada. I suppose the next step will be to insist that we shall abandon our system and adopt the plan which may prevail in Ontario and Nova Scotia of which we know nothing, and which we do not care about learning. But if hon. gentleman are so determined that the law shall be uniform why is Lower Canada to be sacrificed? Why should they take away the laws of Lower Canada and force upon us the laws of another Province? Why not take away the laws of another Province and force upon it the laws of Quebec? The reason is just as good in one case as in the other, and it is very bad in both. It is not a question of commercial law properly so-called at all. It is a question of procedure, nothing more, just as much a question of procedure as the mode we adopt in suing in Quebec.

HON. MR. KAULBACH—So is half the Bill a question of procedure.

HON. MR. ABBOTT—This is as much a portion of the procedure for recovery from parties liable for a note, as the issuing of a writ from the Superior Court to compel its payment. So it does not follow, if my hon. friend's argument were sound, which I think it is not, that it comes within that principle at all. The whole question comes to this: shall we keep a mode of procedure which we have enjoyed from time immemorial in Lower Canada, which we understand, and in which we have confidence; shall we have that taken forcibly from us by a majority of Parliament composed of persons who have been equally habituated to a different law? I say that is not in accordance with the principle that has prevailed in this Dominion so far—the principle which has led to the amity and friendship which prevail throughout the country between the inhabitants of the different Provinces. If at any time hon. gentlemen in this House belonging to the different Provinces take it into their heads that their law is better than the law of Quebec, surely they are not going to bring a Bill into this House and say, "we think this law is better than the law of Quebec, therefore we insist that your law shall be taken from you and our laws forced upon you." I think that is the most unreasonable proposition that I ever heard in this House.

HON. MR. MACINNES (Burlington)—I want to understand this question, and I do not want to be unfair to the Province of Quebec. Is not this Bill brought in by the Government for the purpose of making the law on this subject uniform throughout the whole Dominion?

HON. MR. ABBOTT—No.

HON. MR. MACINNES (Burlington)—What is it for, then?

HON. MR. ABBOTT—The purpose of the Bill is to make a law on promissory notes and bills. There is nothing in the recital or anywhere else which enacts that the purpose of this Bill is to make a uniform law for notes and bills. We all know that the object is to make the law as uniform as we can. We agree to that; we think it expedient that the law should be as uniform as possible, but I do not agree, and I am sure that my hon. friends in the Province of Quebec do not agree, that the object of this Bill is to force on the Lower Canadians a system of procedure which they do not approve of and under which they do not desire to live.

HON. MR. POWER—As I understand the proposal of the hon. gentleman from Montreal it is not to force anything on the people of Lower Canada.

HON. MR. ABBOTT—What my hon. friend from Montreal says is that there is no obligation on the holder to protest or not to protest; he says that a man may protest or not as he likes. Then what about a note which is held by a man who does not choose to protest? At whose mercy does the man who endorses that note in Lower Canada stand? He stands in a position that he does not wish to occupy. He stands in the position of having no authentic evidence that his note was properly presented for payment in due time and in the proper manner. He is obliged to take evidence of that in which he has no confidence, so that it is not at all what my hon. friend would convey, that it cannot possibly do harm to the people of Lower Canada, and may do a great deal of good to other people. The man who endorses a note wishes to know whether it has been properly presented, if it is protested for non-payment. If he is told by any person who may be picked up on the street for the purpose that the note

has been duly presented, he is not now bound to accept that statement and he declines to accept it. He wants evidence of presentation given by a trustworthy person. The motion means that the Lower Canadian endorser shall be compelled to deal with this note as if it had been duly presented or in due course, though he may believe it never was presented at all and he is obliged to submit to this alien system of protest, in which he has no confidence. And for what purpose is this House asked to force on the whole population of Lower Canada, with a very trifling exception, a system of law which they do not want? The object is to save a couple of shillings on one note in 100 notes. Is that enough cause to exasperate the feelings between the two Provinces? There is no opinion we hold more sacred in Lower Canada than our own right to our own laws; no predilection which is stronger than to our own laws. We do not want them taken from us except by our own consent, and every hon. gentleman can see that if this innovation is sanctioned by the House, it is against the consent of every Lower Canadian who sits in the Senate except one or possibly two. So that for the purpose of saving two or three shillings on one protest out of 100 we are to have this serious innovation upon our system, which if continued, can by no possibility do any other harm than perpetuate this trifling addition to the costs of protest; but which on the other hand will give confidence to a whole people in the administration of their commercial law. One of the hon. gentlemen made an admission which appeared to me very significant indeed and very appropriately illustrated the argument I have been using. He says that a man who has a negotiable piece of paper wants to hold it over for a day or two to suit the convenience of the parties. That would be a fraud. If the notarial system prevailed he could not do it: He has no right to hold a note over for two or three days after it becomes due; he must present it at once, or he loses the recourse against the endorsers. Yet the opportunity of tampering with the liability of the endorsers is one of the objects which an hon. gentleman wished to attain by adopting this system. How is a man who does that, to preserve his rights against the endorser? If he puts the fact on the Bill or notice of dishonor that it was presented two or three days too late, he loses his recourse against the endorser. Does any one suppose that he will lose his recourse; that he will not find some office boy or street arab to certify that he presented the note on the proper day?

HON. MR. POWER—Is that the way they do things in Quebec?

HON. MR. ABBOTT—Perhaps it might be if the law were changed. The other Provinces may have that immaculate character, that there is no body to be found in them who would tell an untruth; but, at all events, in Quebec we want proper evidence of the presentation of the note, and we venture to doubt that there is any pre-eminence of veracity in the other provinces. I think it would be one of the most unreasonable, one of the hardest, and one of the most disintegrating propositions that could possibly be carried by this House, to refuse to the whole Province of Quebec its own mode, the mode it earnestly desires, of protecting itself on its negotiable paper, on any ground and for any purpose; but still more so when it is to save two or three shillings on one note in 100. I hope the House will leave the clause as it is. It has received the most careful consideration from everybody. All the *pros* and *cons* have been thought of and it is satisfactory to our friends. Why should we treat our friends in Lower Canada as they would be treated by forcing on them a law which is distasteful to them, which they do not want, and under which they do not desire to live.

HON. MR. POWER—Does not the hon. gentleman from Montreal think it wiser to withdraw his amendment, inasmuch as it appears that the apparently harmless and trifling change that he proposes to this Bill is likely to endanger the whole fabric of Confederation? The hon. gentleman had better withdraw the amendment than run the risk of a catastrophe such as that.

HON. MR. DRUMMOND—After the speech of the leader, and the suggestion of the hon. gentleman from Halifax, I withdraw the amendment of which I had given notice, and I must say that I never had in contemplation any of the murderous purposes which have been suggested

The motion was withdrawn.

HON. MR. MCCLELAN, from the Committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

THE RAILWAY BILL.

MOTION.

The Order of the Day being called, Committee of the whole House on Bill (Z) "An Act respecting Railways."

HON. MR. ABBOTT said: This Bill has attracted quite a large amount of attention throughout the railway world of the Dominion, and the Government think that it would be advisable to give the railway people the opportunity of being heard as to the details of a Bill which makes new provisions with regard to fences, fire guards, and other matters. Of course we could not have the advantage of the skill of the railway people in the House, and therefore, with the concurrence of my colleagues, I move that the Order of the Day be discharged and that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

The motion was agreed to.

INLAND REVENUE ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of the Bill (133) "An Act further to amend the Act respecting the Inland Revenue, cap. 34 of the Revised Statutes." He said: This is a Bill of about eight or ten clauses which is merely drawn for the purpose of providing for some details of administration. There is no important principle of any kind in the Bill: it is simply to improve the remedies against smuggling and fraud which were already provided for by the original Bill, and which people connected with this trade show such great ingenuity in avoiding. I presume that when we come to consider it in Committee of the whole House it will be enough for me then to describe the purpose of each clause. I could do it now as well as then, if it were thought necessary, but I can see no object to be gained. It would be better, perhaps, to take up the discussion of each clause in the Committee.

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

INTERPRETATION ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (130) "An Act to amend 'The Interpretation Act.'" He said: This Bill is composed of only four clauses and is intended to remedy a difficulty which has occurred on more than one occasion in connection with the repeal and amendment of existing legislation. My hon. friend from Amherst brought before the House a case of this description the other day, where a doubt existed in the mind of a judge or court as to whether the repeal of an Act which brought another Act into force did not destroy the force of the latter. There are three or four other points of that description which have been encountered, and we desire to have an Act passed which will declare what the law is on these subjects. This also I think may be advantageously discussed in detail when it comes before a Committee of the whole House.

HON. MR. POWER—My hon. friend looks upon this as merely declaratory of the existing law: it does not lay down any new law.

HON. MR. ABBOTT—It is to make clear what the law of interpretation of the effect of amending Acts really is.

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

TEMPERANCE ACT AMENDMENT BILL.

SECOND READING.

HON. MR. DICKEY moved the second reading of Bill (103) "An Act further to amend 'The Canada Temperance Act.'" He said: I can explain the purpose of this Act in a very few words. By the 96th section of the Canada Temperance Act, a time was fixed for the Act to come into operation after it was voted upon—that it was to come into operation immediately after the expiring of the licenses existing in the county. After a few years a doubt was expressed how it would apply in counties where there were no licenses whatever. For the removal of doubts of that description an Act was passed in 1884 which contained a section for the purpose

of removing those doubts. In consolidating the statutes, that Act was wholly repealed and only the first clause of it re-enacted; but the second clause which provided for this state of things thereby became, as far as the Legislature could do it, extinct. That clause was to the effect that in counties where there were no licenses whatever the Act should take effect in thirty days after the proclamation by the Governor in Council. No question arose upon the Act until very recently, when a County Court judge in Nova Scotia thought it proper to decide that the Act was wholly inoperative because the clause which gave it effect was no longer the law of the land, and therefore the Act did not operate, forgetting that this Act did give, while it was in force, operation to the Canada Temperance Act in those counties where there were no licenses, and therefore the Act was still in force. It became necessary to appeal from that decision to the Supreme Court bench. That appeal is still pending, and it will be observed that the second clause preserves any rights that may arise under that appeal.

HON. MR. KAULBACH—This Bill, no doubt, has the support of the temperance body in parts of Nova Scotia, but I do not know whether the public generally approve of it.

HON. MR. ABBOTT—I think my hon. friend from Lunenburg does not quite seize the point. Certain clauses, as I understand it, of the Canada Temperance Act were directed by their purport to come into force at some period which depended upon the issue of licenses. In some counties licenses were not issued, and consequently the law would not have come into force at all, and we would have had a small section of our Dominion which was not subject to its provisions. To meet that difficulty a Bill was passed which brought those clauses into force in that section of the country, although the license system had not commenced there; and the Act expressly enacted that from and after such a date the Canada Temperance Act shall apply to such and such counties. When the revision of the Statutes took place afterwards the revisers did not put that short Act into the Consolidated Statutes. It had performed all that was required of it, it had put the law in force, and so they left that Act out of the Revised Statutes. I am satisfied, and my colleague the Minister of Justice is satisfied, that the omission of that Act from the Revised Statutes did not destroy the effect of its passage; and we both think it left the Canada Temperance Act in full force in those counties notwithstanding it had disappeared from the Statutes. A local county judge had the matter brought before him and he took the extraordinary ground, I think, that because the Act was not inserted in the Revised Statutes, the force of the Canada Temperance Act in this part of the country had ceased again, and it had no longer any effect there. It would not do to leave the Act in that condition, and if the local judge thinks it does not apply there, the only thing I can imagine that we can do is to say that it does apply, and my hon. friend's Bill is for the purpose of doing that thing.

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

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Friday, April 25th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported without amendment from the Committee on Banking and Commerce, were read the third time and passed:—

Bill (73) "An Act to incorporate the Dominion Safe Deposit, Warehousing and Loan Company, Limited." (Mr. Scott.)

Bill (63) "An Act to incorporate the Home Life Association of Canada." (Mr. McKindsey.)

BILL INTRODUCED.

Bill (BB) "An Act further to amend the Indian Act, cap. 43 of the Revised Statutes." (Mr. Abbott.)

GEORGE T. SMITH RELIEF BILL.

THIRD READING.

The Order of the Day being called, Third Reading Bill (98) "An Act to confer on the Commissioner of Patents certain powers for the relief of George T. Smith,"

HON. MR. MACINNES (Burlington) moved—

That the Bill be not now read the third time, but that it be amended by inserting after "acquired" the words "by assignment, user, manufacture or otherwise."

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

CRIMINAL LAW AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (65) "An Act further to amend the Criminal Law." He said: This is a somewhat comprehensive amendment to the Criminal Law, applicable to quite a large number of the subjects to which the various Acts in the Revised Statutes apply, some of them of a very important character indeed. The first division of the Bill, which is subdivided under headings applicable to the different Acts in the Revised Statutes of Canada, applies to escapes and rescues, and more particularly to escapes and rescues from and in respect of reformatory prisons, reformatory schools, industrial refuges, industrial homes, or industrial schools, with regard to some of which there was no provision at all before, and with regard to others of which the provision is improved. The second division applies to offences against public morals and convenience, and these make very considerable changes in the Criminal Law in this respect. I think it probable that when this Bill goes into committee, I shall propose some further amendments to that chapter of the Revised Statutes, and some amendments to this Bill as it stands. There are one or two things in it which, I think, will hardly meet with the approbation of this House, and I propose to ask the Senate to change them. There is a question of age, which I think is objectionable, and probably when the Bill goes into committee we may find it necessary to alter that. The provisions, however, which it contains are very important indeed. They afford a large additional measure of protection to a class which meets with public sympathy in the greatest possible degree, young girls of immature years, who are peculiarly subject to temptation and even to outrage: in those respects the protection afforded by this Bill is very much increased. The age at which consent may be given is raised to a more reasonable one, and the punishment of outrages upon this class of persons is made more severe and the crimes are better defined, and therefore more easily punished. I think when we come to consider the details of this chapter we shall find it a great improvement in the criminal law, and I hope when we come into committee that the House will be prepared to accept, or at all events to discuss with indulgence, the amendments which I propose to offer. The third chapter is mainly devoted to the prevention of an evil which seems likely to encroach upon us, that of Mormon polygamy, and it is devoted largely to provisions against that practice. The next chapter is an amendment of chapter 162 of the Revised Statutes and applies to offences against the person. It is similar in its bearing, in many respects, to the second chapter, to which I have already referred, and deals with analagous subjects. In these amendments, also, the age of consent is put upon a more reasonable footing, the offences are better defined, and some additional provisions are made to protect those helpless children and young people from the kind of outrage provided against in this chapter. The next chapter has reference to malicious injuries to property. There is no great alteration in this chapter: there has been some attempt at further precision of definition, and the offences against boundaries are somewhat extended and better defined, and so with regard to the next chapter respecting threats and other offences. The main change which this chapter makes in the existing law has reference to combinations. Under the law as it stood, it was doubtful whether an agreement amongst workmen not to work was not a criminal conspiracy, punishable by criminal indictment as a misdeameanor, and as that is not the policy of the country or the general tendency of its laws, this chapter will prevent the possibility of such prosecutions as that. Of course it is pretty

generally recognized that any number of men may, if they choose, agree not to work. The only action on their part which it is necessary to provide against sternly and strictly, is the prevention by intimidation or force of other people working, and as respects this they are perfectly at liberty to refuse to work individually or by concerted action if they choose. There are a good many clauses to which I have not yet referred, but they are mainly such subjects as we can better discuss at the table in committee. They are simply matters of procedure. I have referred to all the important matters in which the law itself is altered in what I have said about the first four or five chapters.

HON. MR. MACDONALD—I would like to ask the hon. Minister whether he will consider when the Bill goes to committee the desirability of inserting a clause respecting polygamy, to disqualify persons accused of that offence from serving as jurors? I took a good deal of trouble in the early part of the session to prepare a Bill regarding Mormonism, and in that Bill I had a clause to prohibit persons convicted of polygamy from serving on juries or voting in elections.

HON. MR. KAULBACH—It seems to me that the provision as to jurors would be a matter for the Provinces to deal with.

HON. MR. MACDONALD.—Not in the North-West Territories.

HON. MR. ABBOTT—Certainly not, and that is a matter we will consider when it comes up in committee. With regard to disqualifying such persons from voting at elections, there is a Bill before the Commons to amend the Franchise Act, in which such a clause might be inserted. I shall call the attention of my hon. colleague to it.

HON. MR. POWER—This is an important Bill, making serious modifications in the existing criminal law, and I am glad to be able to say that I can cordially endorse nearly all the amendments proposed to be made. I was very glad, indeed, to hear the leader of the House say that he proposed to amend clause 4 of the Bill with respect to the age of consent. While it is the duty of Parliament to protect those who are too young and helpless to protect themselves, persons of mature age should be taught to rely on their own honor and religious influences to protect them rather than on the criminal law. I think that is the sentiment of the House, and I am glad to hear that the leader of the House proposes to move in that direction. There are some other points in connection with certain clauses under the second heading, to which I propose to call attention when the Bill comes before committee. I am glad that the Government have undertaken to deal with the practice of polygamy. It is understood that some Mormons have settled in our North-West Territories, and the probabilities are that if the Government and Parliament of Canada did not take some steps to indicate that they did not propose to allow those people to continue to indulge in their nefarious practice in this country, we might ere long have a wholesale exodus from the United States, where they are now being followed up energetically by the law into this country. I think it would be a great misfortune, and upon this point I am pleased that the hon. gentleman from Victoria has referred to the objection there is to have such characters serve on juries or voting in elections. It is desirable that no one holding views which Mormons do should be allowed to vote or serve as jurors. Perhaps the House will pardon me for reading a letter recently received from Utah, written by a most intelligent man—a Canadian, I understand, who has been for some considerable time in that country. The letter is very long; it gives a vivid picture of the state of things in Utah, and a clear idea of the dangers which might arise if those people were allowed to multiply in Canada, and to live in the way that they wish to live. The letter is dated 12th April, 1890. It was written to a prominent member of the House of Commons, and it reached him too late to be of any use there.

"Having seen much of Mormonism during the last few months I take the liberty of submitting some further observations for your consideration in relation to that body.

"In the first place, I find that but few Americans, comparatively speaking, belong to the body, and those chiefly from the New England States. The business men whose interest it is in a worldly sense, to maintain Mormonism, are chiefly Englishmen, and next in number Scotchmen and then Americans. The

rural population is composed chiefly of Scandinavians and Danes, and next in number come Welshmen with some English and Scotch settlers. These people are no more American to-day than when they left their native hills and valleys. They are neither Republicans or Democrats, nor do they in any way enter into the feelings which animate other people in a national sense. They are merely Mormons. They never can become loyal to any system of Government nor affiliate with any other people. They are taught to believe and do believe that Mormonism is destined by the Almighty to spread over the whole earth, and that the only true Government, and that to which they alone owe allegiance, is the Government of the Church. The Church system is the most arbitrary, exacting and tyrannical of any system I ever heard of among English-speaking people. The system was the creation of a few cunning Yankees, and I can now understand why they so zealously sought for converts among the ignorant masses of Wales and the North of Europe instead of the populous sections of America. No people of medium intelligence could be brought to submit to the kind of rule which Mormonism imposes on its adherents. Mormons do not go to law with each other in the ordinary sense. The bishops or heads of states hold courts called "bishops' courts" where all matters in dispute are settled. As already stated, they have no politics, but vote as directed by some one whose authority in that respect all recognize. Polygamy is not alone the objection to the Mormon system. Every Mormon imagines himself, or is taught to believe himself a martyr, and that the day of his emancipation will come when the Church triumphs and takes the place of all other government systems. In fine, the system is utterly alien and antagonistic to any system of enlightened free government; hence the extraordinary means being resorted to by Congress and the Government to annihilate the unnatural and strange monster. It is a strange spectacle indeed at the end of the nineteenth century that the Government of free America, in order to check or suppress Mormonism, finds it necessary to resort to the disfranchisement of a people whose only crime is adherence to a faith they have been taught and which is a product of their own country.

"The Edmonds Law has not by any means been a dead letter. Every court is occupied with cases under the Act, and the capacity of the penitentiary is taxed to make room for the new convictions. It is only, however, in towns and cities that polygamists can be caught, and even then only by the sharp exercise of the detective's art. Away out in the beautiful valleys of Utah, among towering mountains through which the valleys can only be reached by certain passes, are scattered more than two hundred thousand Mormons living exclusively by themselves, and who have but little dread of the Edmonds Law. The detective would be cute indeed, and courageous too, who will make any headway in breaking up polygamy in those remote and secluded valleys. If one believes Mormon newspapers and those who speak for that people, polygamy is no longer practised. No Gentile in Utah has any faith in such statements, and if your Minister of the Interior were here for a short time, he would learn something of the value of the word or even the oath of a Mormon in matters of this kind. 'Do not lie to each other nor cheat each other; but hold your own with Gentiles anyway you can,' was the advice of Brigham Young years ago, which advice is faithfully adhered to.

"Mormons make but little efforts in the direction of education—I mean in the way of educating the masses. It is true that in town 5 are to be found educated, well trained-men, but they are the parties who profit by the system, and it is far from their desire to educate the masses.

"I observe what has taken place in the Parliament at Ottawa in relation to the Mormons of the North-West. The imposition of more severe penalties for polygamists will not meet the case. Two years or ten it will be all the same. Mormon cunning will be equal to any law in that respect that may be adopted. The law here, as stated, is rigorously enforced, yet it is scoffed at. It seems to me before allowing Mormonism to obtain a firm footing in the North-West, that the question is of sufficient importance to the people of Canada to justify the expense of a commission to this country to obtain information on the whole question. Mormonism in this country has had but forty years start, yet it has already cost the Government millions, and the end is yet remote. Prompt energetic action now on the part of the Canadian Government would be an act of wise foresight. Should the time come when the Mormon people in the Canadian North-West will become a power in elections, rely on it that the party who will pander to their interests will get them."

I hope the House will excuse me for reading that letter, but it was so much to the point and so interesting that the excuse will be readily granted. With facts like those before the House, hon. members will be disposed to take the view indicated by the hon. gentleman from Victoria and make one or two amendments in this Bill.

HON. MR. KAULBACH—Does the Bill propose to have a retroactive effect on those who have already come into the country, believing that there is no law here against plurality of wives? I am very glad that the 8th clause has been introduced into this Bill. I remember having called the attention of the Minister of Justice to this offence, cases of which I had found in my own practice, and no law could be found against it. It appeared to me to be a singular thing that such an offence should be in existence so long without any law on the subject.

HON. MR. MACDONALD—Mormons who come into this country and continue to live as Mormons, and are convicted of the practice are punished accordingly.

HON. MR. ABBOTT—My hon. friend will see that section 5 provides as follows:—

"5. Every male person who, in public or private, commits, or is a party to a commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, is guilty of a misdemeanor and liable to five years' imprisonment, and to be whipped."

It seems to me that that covers the offence my hon. friend has referred to. Of course the Bill is not directed against any particular religion or sect or Mormon more than anybody else; it is directed against polygamists. In so far as Mormons are polygamists of course it attaches to them.

I have heard with a great deal of interest and pleasure the letter which the hon. gentleman from Halifax has read. May I ask my hon. friend where it comes from?

HON. MR. POWER—It comes from Salt Lake City, Utah.

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

THIRD READING.

Bill (103) "An Act further to amend the Canada Temperance Act." (Mr. Dickey.)

BILL INTRODUCED.

Bill (134) "An Act respecting Fishing Vessels of the United States of America." (Mr. Abbott.)

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Monday, April 28th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

NORTH-WEST TERRITORIES BILL.

IN COMMITTEE.

The Order of the Day having been called,

Committee of the whole House on (Bill V) An Act to amend the Acts respecting the North-West Territories.

HON. MR. ABBOTT moved that the Speaker do now leave the Chair.

HON. MR. BELLEROSE—I have not occupied the time of the House very much during this session, but on this important question it is my duty to speak at some length, and I am ready to do so in English if the House will allow me to use my notes freely. The Bill now under consideration is one of great importance. It does not deal with one subject alone, but contains no less than five, each of them deserving due consideration. It is not my intention to discuss at this moment all those provisions, to which I see very few objections. I will confine my remarks to the last but not the least feature of this project, that which deals with the French language in the North-West Territories, a subject to which I am bound to give my attention and which demands that we should use all constitutional means to have it settled equitably and in such a way as to bring about peace and harmony amongst the people of this Dominion.

This question of the French language has over and over again been discussed in and outside Parliament and in the press, yet, it is always a matter of surprise to me to witness the determination of a certain class of our people to reject the use and even the teaching of French. Its adversaries make use of arguments which, I admit, have some weight when they are made use of against all other languages, but against French they are weak, not to say of no value. Those people seem to forget that unlike every other language which is used only in the country whence it comes, French is universal; it is called the language of Courts. I need not repeat here what I said some few days ago (on the 27th ultimo), that this country was French from its very beginning, and that the fact that the indifference of France had caused its surrender to England could not change this fact, especially when a solemn treaty between these two great countries had recognized amongst many other privileges that of a French nationality. I am at a loss to understand how it is that in every part of the world French is spoken and taught, —even in England—while here in Canada some of our English-speaking men who claim the British Isles to be their mother land, will agitate and do their best to deprive this country of the use of the French language. Are people less intelligent abroad than they are here, or is there less fanaticism on the other side of the Atlantic than here? I will not undertake to decide But the fact is there, and fact sares tubborn things.

It is not necessary that I should go over the whole world and name a number of countries where a mixed population, speaking each its own mother tongue, exists, living together in peace and harmony with each other. What difference, then, can it be to our community whether French is an official language, whether it is

taught and spoken here? French is used in every part of the universe. Why, then, is there so much trouble about it in this country?

Its importance to-day is a consequence of its universality. So universal is it, that not long ago, as I had occasion to say on the 27th ultimo, from my seat in this House, a conference on the important question of public health being held in Washington, the delegates from different parts of the world could not understand each other unless they spoke French. During this very Session, a conference has been held in Berlin on the great question of labor. It was decided, at the very beginning, that the discussion should take place in French in order that the delegates from the various countries there represented might understand each other. After the conference was over and before the delegates left Berlin, a great banquet was given in their honor; Baron Von Berlepsch, Minister of Commerce in the German Cabinet, presided. He proposed the first toast, "The various States represented at the Conference," and spoke in French. The toast "to the German Emperor" was called and drank, when Bishop Kopp answered also in French on behalf of the Emperor.

French was also the language used, so far back as 1878, at a congress held in Berlin on the Oriental question.

At the great Geographical Congress at Venice, in September, 1881, French was again the language which had to be used.

A few years ago the attention of the British authorities was called to this very important question of the French language which to British statesmen seemed to be of so great importance that they advised its being taught more and more, as the following quotation will show. In the London *Times* of the 4th July, 1881, there is a letter from the Earl of Morley to the Rev. G. C. Bell, M.A., wherein I find the following:—

"The military authorities having had under their consideration the question of demanding and encouraging proficiency in the French language among the officers of the army, have come to the conclusion, that from the date to be hereafter fixed, and of which fair and ample warning will be given, to all whom this measure may concern, a knowledge of French, both scholastic and colloquial, shall be made obligatory on all candidates for admission to the various branches of the army * * * * At the same time it is intended to request the Civil Service Commission gradually to raise the standard in that language at the preliminary examinations."

At the great exhibition of 1878, the Prince of Wales is reported as having said, in his address to the English exhibitors:

"Every well educated Englishman can read French if he cannot speak it."

On this side of the Atlantic, an American gentleman, Mr. Siddons, writing to the Washington *Republican*, says:

"I congratulate you on the article showing the importance and necessity of every officer of the United States Government knowing the French language. * * * * No one ought to deny that French is the diplomatic language, that it is the language of every man who is well educated. There is not in the whole of the North, and particularly in the East, a single family where the French is not taught and spoken."

I might also quote the names of Mr. Edward Everett, a well-known literary man in the United States; Mr. Sumner, a prominent speaker, and Mr. Longfellow, the poet of world-wide fame, all of whom have boasted that they knew and spoke French.

Less than a fortnight ago, an election took place in Milwaukee, where both French and Germans are opposed to the exclusive teaching of English in schools. Those pretensions were made the platform of the election. The Democrats supported those views; the Republicans opposed them. A hard fight took place on the burning question, and the excitement was very great. Mr. George W. Peck, a Democrat, was elected by a majority of 5,000 votes. The question of one language was defeated, and fanaticism was once more punished.

A gentleman of high standing and great learning, a professor at the University of New Brunswick, wrote, in 1885, an article wherein I find the following ideas on this question—

"We are forced to admit that two languages will always have to be spoken in Canada. Those who may have expected in the past that French would disappear, may certainly give up such a hope. The thing would have been possible some fifty years ago, but to-day the idea is a ridiculous Utopia. Let all Englishmen admit, with their ordinary good common sense, that in the near future, our greatest politicians, our richest merchants, our best civil servants will be those who have the advantage of knowing both languages. Many I know, regret that is so; let them be convinced now and for the future, that the existence of two races and of two languages has never been an obstacle to the prosperity of any country. Does not peace, union, prosperity and abundance reign in Belgium, Scotland and Switzerland. The downfall of the Roman Empire did not begin when her great men began travelling in order to learn the different dialects of her colonies, but it began when her people became intolerant * * *"

Mr. Villemain said:

"The French language is, and will be the principal idiom through which the whole universe may be united."

In a journal of the city of Montreal, bearing date July, 1881, there appeared a letter from a gentleman named McIntosh, wherein I read:

"I regret to see your great French Canadian leaders seeming to be ashamed of their mother tongue, but let Canadians not believe that the English people will consider them the more for that. On the contrary, they would feel more respect for them, if Canadians would openly affirm their nationality, if they would freely acknowledge their truthfulness to their flag, their tongue and their institutions. Let Canadians work so that the officers of their country shall learn both languages."

Even the Montreal *Daily Witness*, in its issue of the 7th instant, favors the speaking and teaching of both English and French in Ontario. Let me quote the passage:

"It was interesting to note the course of the debate on the French and German schools (in the Legislative Assembly of Ontario). It was raised by Mr. Craig, who brought the condition of these schools under the notice of the Assembly last year, and who this year asked the House to pass a Bill making the use of English compulsory in all public and separate schools, except that when the pupils do not know English, the French language may be used to a limited extent. Even this drastic proposal shows, as was then pointed out, that it is impossible to do away entirely with the use of the French language in the public schools, and that the most that can be hoped for is the acquisition of English by the French pupils after the lapse of a reasonable time. Until English becomes more than it now is, the language of the home and of the social circle in which the children move and grow up it is useless to expect them to come to school prepared to take in learning through the medium of any but the French language, and to deprive them absolutely of the use of it would be to deprive them of the means of obtaining an education altogether. The compromise embodied in the regulations of the Education Department on the subject are a fair compromise. They require that English shall be the language of both instruction and discipline, French being allowed for certain terms and certain purposes only. They further provide a training school for the special use of French teachers in the counties of Prescott and Russell. And they prescribe the use of by-lingual readers in the lower classes as the best means of bridging over for the pupils the gulf between French and English."

A Conservative newspaper, the Calgary *Herald*, referring to the dual language in the North-West, says:

"It has to lament and condemn the truckling of the majority of the Conservatives in Parliament on this momentuous question."

adding that the Liberals did no better.

By the Union Act of 1841 the French language as recommended by Lord Durham, was not recognized, though its existence was guaranteed by the treaty of 1763 between England and France.

A few years after the Union, an address was voted by the Legislature of the then Province of Canada, praying Her Gracious Majesty for an amendment to the Union Act of 1841, to repeal the clause prohibiting the use of French. This was granted, and Lord Elgin, in opening the Legislature in 1849, graciously said:

"Je suis fort heureux, d'avoir a vous apprendre, que, conformément au désir de la Législature Locale, exprimé dans une adresse des deux chambres du parlement provincial, le parlement Impérial a passé un acte révoquant la clause de l'acte d'Union qui imposait des restrictions à l'usage de la langue française."

I have read in French those words which fell from the lips of the then Governor at the opening of the Provincial Legislature, because it is in that language that in this instance the representative of Her Majesty read the Speech from the Throne. Let me give you in English the words which his Excellency spoke in French:

"I am most happy to have to inform you, that, conformably to the desire of the Local Legislature, expressed in an Address of both Houses of Parliament, the Imperial Parliament has passed an Act repealing the clause of the Union Act which imposed restrictions on the use of the French language."

No doubt Lord Elgin did so, inspired as he was, by a sense of justice which his good and kind heart suggested to him, in order to heal as much as he could the wounds which the unjust course followed at the time of the Union and subsequently had caused in the hearts of all true and loyal Canadians, whether French or English. The memory of the administration of Canadian affairs by this noble Governor is still fresh in the mind of every lover of our country. With this nobleman, party spirit had very little chance—English, Scotch, Irish or French was of very little consequence if it did not mean justice and equity. Toryism or Liberalism had no preference with him, if it did not agree with public good. May all true Canadians learn from this great statesman, how to deal with all questions, with which, in a mixed community like ours, we have to deal. If so, Canada will enjoy peace, happiness and prosperity. Her children will live in harmony and good-will with one another.

I remember an episode on the arrival in Canada of the Marquis of Lorne as Governor General. This noble personage having landed in Quebec took the railway, now the Canadian Pacific Railway, *en route* for Ottawa. At a certain station in Lower Canada where the train had to stop for a short time, people of different nationalities assembled and an address was presented to His Excellency, who gave his answer in French. Shouts of "English, English!" having reached the ears of the noble Marquis, he replied:

"No, no, gentlemen, I am sure you understand French as well as I do, so it is not at all necessary that I should repeat in English what I have said in French to you all."

It seems every intelligent man present understood the great lesson given by the Governor, since no more shouting was heard, and every one enjoyed the French speech and seemed delighted, unlike so many others whose fanaticism will not allow them to be convinced of the supreme ridicule which they cast on themselves by their constant efforts to have French abolished as an official language.

Let me now refer to a letter written by a gentleman of this country on this same subject. Mr. E. W. Thompson a Montreal citizen, deals with this subject in the following words:—

"THE CANADIAN IDEA.

"A Vigorous Argument for Cordial Relations Between French Speaking and English Speaking Canadians.

"*To the Editor of* The Star:

"Sir,—In reproducing articles from *L'Etendard* and other French Canadian journals on the race question, you are, doubtless, rendering good and much needed service to the country. English speaking Canadians must be the better for thorough acquaintance with the views of their French speaking *compatriots*. These understand and accept the situation much more completely than do English Canadians. French speaking citizens do not entertain so absurd a belief as that the English of Canada will become French for any sake. Once the English completely cease to imagine that the French will consent to obliterate themselves for the sake of an ideal unity, the understanding and acceptance of facts may become mutual. Then the Canadian idea will be either consciously maintained on all hands with the result of a firmer national solidarity, or be distinctly rejected by our English speaking people with the probable result of civic broils and ultimate annexation of the English provinces to the American union.

"What I mean to signify by the Canadian idea may be very shortly illustrated. Let us take the voice of *L'Etendard* for that of French Canadians at large. Even in its angriest moments that voice has declared the French Canadian wish to stand firmly with English Canadians in maintaining the Confederation and advancing its strength and prosperity.

"The Canadian idea is simply that citizens shall be forever free to speak the language they choose and hold the creed they choose, and advance both as they may be able, who place their bodies and goods heartily at the service of the Canadian State.

"That idea is fully embodied in the Canadian constitution, which provides for the employment of both the English and French languages in public business. Hence those proposing or plotting to exclude the French tongue from official use and French ideas from all the weight that votes or ability can give them in the national councils are exactly as untrue to Canada as would be those who might propose to exclude the English tongue and English ideas. I take it that the true Canadian, whatever be his origin or creed, will be prepared to resist the revolutionary doctrine that either race may change the constitution with design to facilitate the wiping out of the other. Those who talk excitedly of this being a British province have to reckon not only with those who describe it as a French province, but with those English speaking men who regard Canada first, just as the English speaking American regards the United States first. Not for Quebec, not for Ontario, not for Great Britian, not for French, not for English, but for Canada first and always, that I believe to be the intent of the majority of the young men, the forces of the present and the rulers of the future. And to them a proposal to make Quebec, or any other of their Provinces, British is surely not only absurd in its impracticability, but offensive, exactly as offensive as the proposition to make Lancashire Canadian or Yankee would appear to the people of that country.

"In opposition to the Canadian idea that a great country may be satisfactorily governed and defended by the harmonious action of citizens differing in race and language, it has been said that there is no example of such a country in history. Perhaps the assertion should weigh lightly as an argument, when we consider what multitudes were slaughtered of old time, to maintain the opinion that a State could not survive more than one tolerated religion. But it is not a fact that we lack historical examples. Nothing need be said of Austria, Belgium, Switzerland or Germany—countries notably either prosperous or strong, though each includes different races and creeds. Scotland also may be left out of account, though her people, divided by race and language, were always able to withstand the English till both crowns came to a Scotch king. For there is one country which furnishes the complete example required. It is a progressive country in every sense; a country of free law-abiding people, rapidly growing in number; a country where men are so consciously well off that they have made immense sacrifices to preserve their institutions. Despite their distinct separation in race and language, its people have stood shoulder to shoulder in war, successfully repelling invasion from a much more powerful nation of the same race and language with one of their own communities. In like manner they have heartily labored together in carrying out the most stupendous and costly system of public enterprises ever undertaken by a people of like numbers. Every year, every decade, every generation since its two races began political work together, certain agitators, bigots, fanatics and pessimists of that country, endeavoring to breed trouble between them, are in the end being "Thrust like foolish prophets forth, their words to scorn are scattered, and their mouths are stopped with dust." Not a point can be adduced of validity against the assertion that the country I instance has practical and enduring solidarity. Denial can find nothing to say except that the country can't stand because each of its races is jealously conservative of its distinctions and a little given to complain that the other is overeaching. To

discover their mistake, the deniers need only open their eyes and look around. The country I instance is Canada. It has stood, it does progress, it is altogether as happily governed as any other in the world. The practicability of the Canadian idea needs no better exemplification than Canada herself affords. Her past and present prove beyond cavil that two races can live in political union forever, and multiply to a mighty nation.

"But will they? That depends, I say again, not on French but on English Canadians. For French Canadians are obviously willing to perpetuate the existing state. There are good reasons why they should be. It secures them in their language and valued institutions more completely than could any other political situation imaginable. It affords them opportunity to occupy new tracts, in the government of which they shall share. They are strongly bound to maintain the separation of all Canada from the United States. In the American Union, Quebec's cherished privileges would doubtless slip away. Standing alone outside that Union, Quebec's overflowing population would be lost to her, and she be powerless beyond her own boundaries. Hence English Canadians can fully count on aid from their French *compatriots* to maintain the political entity of the Dominion. The question more apparently in doubt is whether French Canadians can similarly count on their English Canadian associates.

"Since Mr. Goldwin Smith selected Canada as the scene on which he might possibly bring important events to pass, we have been treated to many variations on the theme that the preservation of the Confederation is a matter not much worth the care of English Canadians. They are asked to balance their citizenship against the shillings perhaps to be gained by giving up all that their forefathers fought for at Queenston, Chrysler's, Lundy's Lane—to balance the old flag against that shadow shilling—to balance against it the hope of creating here a strong power which shall be bound in amity, if not in formal unity, to the British empire. Canadians are invited to dismiss as foolish their reluctance to commit their stalwart boys irretrievably to a situation where in their manhood they might be called to make a battle array against scarlet ranks; they are asked to make the immense national works of their country monuments to an abandoned belief in its destiny, in a word they are advised ts put Canadian sentiments in the scale against the possible shilling and to hold out their hands for the shilling. To our professional prophets of woe and disaster alacrity in accepting what they forecast as inevitable would seem exquisitely reasonable. And Canadians are likely to take the same view when Germans ask to live under the flag of France.

"This is perhaps the only country whose citizens are regularly lectured on the ridiculousness of their patriotic sentiments. In England, the United States, France, Germany, Italy, in Turkey even, the man who should advise a mercenary surrender of nationality would be treated as unique in baseness unless, on examination, he were found fit for a lunatic asylum. But, though English Canadians patiently endure such advice, it does not follow that they have no ound reasons for retaining the sentiments that ender it futile.

"Just as French Canadians have much to conerve by upholding the Dominion so have English Canadians. That the maintenance of the Dominion implies the retention of responsible government is sufficient reason for patriotism to all who believe in and are accustomed to its working. Again to keep the most potent part in governing half the North American continent may well seem to English Canadians a higher privilege than to take a very insignificant share in governing nine-tenths of it. To hold these vast territories for or in friendship with Great Britain, may easily seem better than to pledge their present and potential forces to her possible antagonist. To have the central authority nearer than Washington will scarcely appear a trifling object to any who appreciate the difficulties of American centralization, and are aware of the huge frauds practised on the United States Government in its more remote districts. To be free from the internal dissensions that the neighboring republic must face when north and south, so different in products, and therefore in interests, shall be fully populated, is no small prospective advantage.

"But there is a certain indignity in advancing even the best reasons for patriotism; it is a sentiment needing justification no more than does filial love. For men whose hearts are Canadian, it is enough that the preservation of the Dominion seems good in itself. And it is clear that English Canadians can maintain the Dominion only by the complete acceptance of French Canadians as full partners in the Government of the country, only by loyalty to the idea which the constitution embodies. This complete acceptance has long been practically given; when it shall be consciously and willingly given the union will be complete.

"*L'Etendard* has urged one complaint so vigorously that it strikes English-speaking men almost as an insult. Yet the accusation is perfectly reasonable. It denounces as brutally insolent the proposal to Anglicise this province. And indeed it would be somewhat difficult to imagine insolence more naked than that which urges that two solemn treaties should be so set at naught—that of Great Britain with France at the Peace of Paris, and that made so recently between French and English Canadians at the passage of the Confederation Act. It is a thoroughly revolutionary proposal, as striking at the institutions for which both races have sacrificed vast treasure and some blood.

"A truly remarkable thing is to find among those who talk eagerly of 'swamping the French' some advocates of Canadian independence. As well might they scheme to blow up the piers of the Victoria Bridge by way of preparation for loading it more heavily. Not till French Canadians should have been fully convinced that English Canadians have no designs against the privileges for which they value British connection; not till they should have been expressly guaranteed those privileges by instrument is it to be conceived that they would pledge themselves to an independent Canada. And without the strength and the seaboard of Quebec an independent Canada would be totally impossible.

"British Connectionists, Imperial Federationists, Independence men—their roads at present lie close together. They are all to be advanced by cordial relations between the governing races. They will wish that each should be in the virtues of the other 'ever kind, and to its faults a little blind.' None but Annexationists can be served by the exacerbation of race prejudice. And the Canadian whose patriotism is broad enough for the situation, who fully grasps the meaning of the institutions under which he lives, and raises to the acceptance of the Canadian idea, will surely be no less sensitively conservative for the privileges of one race than for those of the other.

"E. W. THOMPSON.

"MONTREAL, Nov. 2, 1885."

All the quotations show the importance of the French language, its universality, and the advantage it is to this country to have a strong French population. How is

it, then, that efforts are constantly made to deprive the people of this Dominion of this advantage? Should the views of this class of our community be carried out, Canada, with one-third of its population of French origin, would be about the only country from which French would be banished. Happily, the majority of the people of this country have always considered French as a necessity for all, and the use of it a right which the French speaking population of this Dominion enjoy.

It is a pleasure to me to be in a position to congratulate the Mowat Administration, as well as the majority of the people of Ontario, on the noble stand they have always taken, and especially during the last Session of their Legislature, on this important question. What a difference between the large, tolerant and patriotic sentiments expressed by the leader of the Government of that Province and by his colleagues and supporters, and the narrow-minded views of their adversaries on the Opposition side! The Mowat Government stood for fair play and justice to all, while the Opposition advocated intolerance and tyranny.

Let me quote some sentences from the speeches on both sides.

The Minister of Education, Hon. G. W. Ross, made a masterly speech on this question on the 25th March last. In reply to the Opposition, he said:

"Their pretensions were a violation of the privileges guaranteed to Roman Catholics * * * Separate schools were as prosperous as the public schools. If such views were entertained in Quebec against Protestants, there would at once be a cry of persecution raised * * * He urged the House to defeat that proposed amendment to the British North America Act, tinkering with which, he said, the Liberal party would never allow."

The leader of the Opposition, Mr. Meredith, followed. He said:

"He thought the House in duty bound to consider the evidence produced by the Opposition against such encroachments of the hierarchy. The question was: Is the hierarchy in the government of their denominational schools acting prejudicially to the best interests of their Province?"

Hon. C. F. Fraser said:

"That the member who had preceded him had started all right, but before he closed it had become manifest that he was appealing to a certain class in the Province. He had alluded to the hierarchy. It was palpably evident he aimed at the abolition of the separate schools. He said the hon. gentleman seemed to lose sight of the fact that if the separate schools were abolished, the Roman Catholics would not be forced to send their children to Protestant schools. It was a matter of conscience with them. There were no laws compelling Catholics to send their children to public schools; there were no such laws in any civilized community on the habitable globe. * * He accused the leader of the Opposition of sowing dissension among the people, by raising these questions of race and religion."

Mr. Craig also spoke on this subject, and denounced the Minister of Education and the Government for their policy on the separate school question, and on the teaching of French in those schools. He criticised the use of the catechism and other Catholic books.

Hon. Mr. Mowat, Premier of Ontario, in his reply, said:

"A great deal was gained by having the French language in their schools. It was necessary for the French to learn their own tongue. * * * * If the course suggested by the Opposition speakers were taken, it would drive the French away from their schools. * * * The hon. leader of the Opposition (Mr. Meredith) was merely trying to gain political capital out of the cry he was raising against the French. * * * Their people (the English speaking portion) would not suffer themselves to be deprived of their schools, and no one would blame the French for feeling an affection for cultivating their language. * * * He respected them all the more for their love of language and a desire to bring up their children in the ways of their native land. * * * The object of the Opposition was not to promote the learning of English, but simply to gain votes."

One more quotation from a French Tory newspaper, and I will continue my remarks. *Le Canada* says:

"A political party in Ontario (the Tories) which we, the French Canadians, have always stood by, have left us to join the third party, the Equal Righters. * * Mr. Meredith, who never had better friends than we were to him, believing that he would sooner get what he was anxious to have, power, turned his back on us and tried to injure us by having separate schools abolished and our language banished. But Mr. Mowat, for whom we never had any feeling but indifference, if not hostility, came to our help. Desirous to do what was right and equitable, he did so at the risk of injuring his Government and his party. Any French Canadian who would refuse to vote and work for this party, would be a coward and a renegade, if not a fool. He should not be looked upon any more as a French Canadian. Let all of us forget the political party to which we belong. Let us fight for the preservation of our rights. Home rulers have set us an example. They left the Tories for whom they had done so much and joined Mr. Gladstone. Mr. Mowat is the Gladstone of Canada; he has shown his courage, his good judgment, his large views and his generous eloquence. Could we now refuse help to those who have helped us in time of danger? Have French Canadians of our days degenerated? Should they so refuse help, would they not resemble the viper of the fable, biting those who revived it?"

The quotations which I have read show that French is the only universal language, and that learned and intelligent men in every quarter of the globe favor its diffusion.

Consequently, in a country like this, where one-third of the population are French, and more than one-half can speak the language fluently, is it not in the best interests of the people that it should be one of the official languages? If we have such an advantage over all other countries, why should we give it up and stand in an inferior position?

Ever since this colony has become British, such views as those I have alluded to already against the use of French have been entertained by a certain class of our fellow-subjects of British origin, while another class, such as Mr. Thompson, whom I have just now referred to, have entertained larger views, and have thought that because the English speaking population are in a great majority, they ought not to use their power to trample upon the minority, and deprive them of the privileges which they had won upon the battlefield by their vigorous defence of their homes, and which were solemnly guaranteed to them by treaty at the time of the cession of Canada to England. There is no doubt the general commanding the British army on that occasion, as well as England herself, conceded those great privileges to the people they had forced to change their allegiance, in consideration of the heroic efforts and brave defence our forefathers had made before they capitulated. The English generals knew that unless the conditions of the surrender were most honorable the French commanders would fight to the last man. The English commander was also too good a soldier to force his gallant adversaries to such an extreme, which, after all, could bring about a change of the rolls. He acceded to all honorable conditions which could not injure but, on the contrary, which could give honor to his country, and England ratified those conditions, as they are mentioned in the Treaty of Paris of 1763. An English historian writes (H. H. Miles, M.A., LL.D., D.C.L.):

"By the Treaty of Paris France surrendered, finally, all her possessions on the American continent. * * The Treaty confirmed, in substance, those articles of the capitulations of Quebec and Montreal which related to the religion, language, laws, customs and property of the inhabitants." * * *

When all those facts are present to my mind, I repeat it is a matter of surprise to me to witness the efforts which are constantly made to deprive one-third of the population of this country—a country which is theirs more than it is that of any other nationality, if the first settlement of it means anything—to deprive, I say, the first settlers of this country of those privileges which are guaranteed to them by the most solemn promises and acts of the supreme authority which rules here as well as in England. Are they loyal, those who so stir up feelings of animosity between the two great nationalities existing in this country? Loyal, to my mind, means faithful, true, faithful to the Queen, true to the Queen. Are they true, are they faithful to the Queen who, disregarding her solemn promises, her solemn engagements, agitate the public mind and stir up feelings of animosity between her most faithful subjects? I say no. There is no loyalty in such a course. Loyalty does not consist in words, but in facts, in acts. Facts are stubborn arguments which no word can invert. You wish to be loyal? Then show by your acts that you are so. Submit to the state of things which the Crown has established and which the Queen herself and her Parliament cannot change without bringing disgrace upon England. A treaty is binding upon the two parties who signed it. The French Canadians have always done their fair share, even when an unjust oligarchy ill-treated them. Their people at large kept faith with the Crown of England. They fought the battles of Britain on this side of the Atlantic. They rejected all overtures from the United States, and so showed their loyalty to the Empire. To this very day they have submitted patiently to ill-treatment, using only legitimate means for redress, such as appeals to the Queen, the right of petition which every British subject has. Where, then, would be the excuse for the Imperial authorities to violate their engagements and deprive us of those privileges and rights which were accorded to us in the battle field amid the firing of musketry and the thunder of grape-shot.?

No; England could not honorably do such a thing and she did not do it. Then, how can this Parliament do so without bringing dishonor on the mother country? Would not this be disloyalty? I hear an objection which I have before heard now and then. It is this: Are there not now, and have there not for years past, been parts of Canada where the French language

was not recognized? Let it be so. But, is an abuse a sound argument to support another abuse in another part of the country? Surely not. In the North-West Territories the rights of our compatriots and of the French Half-Breeds have already been recognized by our statutory law, which acknowleges English and French as the official languages of that part of Canada. Why then to-day deprive those people of a privilege, which they now enjoy?

Since this Bill has been put before Parliament, one thing has grieved me more than anything else; it is the fact of a majority of my own countrymen, in another part of these buildings, having given their assent, and let me add to the extent of assuming the responsibility of the adoption by that House of this hideous project of depriving their own countrymen of the privilege they now enjoy, that of reading the affairs of their section of the country in their own language, and of speaking, as a matter of right, their own mother tongue in their legislature. Had the French members of the Commons voted against the proposal of the Government, this clause which is now under discussion would never have been introduced. It is practically a proposal to repeal the present law, because the majority in the North-West have already expressed their determination to abolish the use of French, so that the project under discussion, giving to the majority of the Territories the constitutional right, which they do not now possess, to deal with this question, is, in fact, practically dealing with the question itself, and giving those people power to do what they have already tried to do, in violation of the constitution which we are asked to amend in that direction.

I should like to know from those representatives of Quebec how they would like to hear that the Imperial Parliament have amended the British North America Act, by giving to the Federal Parliament of Canada power to deal with this same question of language? If there is any patriotism in those men, no doubt they would grieve at such a course having been followed in England. They would consider such legislation as a determination of the Imperial authorities to deal unjustly with the minority in the Dominion and to set aside their solemn engagements. They would say that the course followed was disloyal, as it undoubtedly would be. Is the course they have followed in this instance much better? Certainly not—I should say it is worse—much worse. It is well known that at different times, under the different constitutions granted to Canada, the use of French was not tolerated. But it is well known also that the Canadian Legislature, if not unanimously, at all events by a strong majority, composed of French and truly loyal English members desirous of treating fairly the French minority, have now and then voted addresses to the Crown asking that the French language should be recognized and made official. Can this be expected in the North-West, I say No; no. Was not the Lieutenant Governor of those Territories, some weeks ago, forced to disregard the constitutional law and read the speech at the opening of the Legislature in English only? Is not such conduct on the part of the majority of the people of the North-West sufficient evidence to prevent any patriotic man assuming the responsibility of giving that majority full power to deal as they think fit, with this important question of language?

I know of a gentleman, a ministerial member of the other House, who left his political friends in 1885, convinced that his leaders, the Government, did not deal equitably with the French minority of the Dominion. Three or four years after, the same member went back to his old friends, admitting, according to *Dame Rumeur*, that time seemed long to him on the left side of the House, that the influence of a member on that side was rather weak. No prospect of a situation. Nothing could be done for one's county—and so the keeping of a member's influence with his constituents was a hard case. I would not conclude from this case that the same reasons have kept together in the case of the present Bill, the majority of the members of my Province, but I certainly cannot otherwise explain how they can have dealt with this important question in the way they have done. It was currently rumored, some two or three days before the vote was taken, that the Quebec members were against any amendements to the present law in this direction. The vote on the Beausoleil motion shows conclusively that such were their opinions. It is true Sir John A. Macdonald called a caucus of his supporters

before the vote was taken on the Thompson amendment. But even then, surely this could not prevent any French member from following the dictates of his conscience and voting down the amendment in order to give his support to the Blake amendment, which was the best under the circumstances, and which, probably, would have been carried, or, if not, would not have put us in a worse position, but, on the contrary, would have left us in a better position, than that which we will now be in, if the present project becomes law.

My French friends from Quebec in the other House may not see to-day what will be the consequence of the vote they have given. Let them wait some time, it may be some years, they will see what the intention of their leader was in forcing them to give him their support on this national question. They will see what he aims at. To my mind his views are evident. May future events contradict my predictions! I would be most happy, for the sake of my country, should it be so. While I thus protest against the course followed by my countrymen in the other House, I am in justice bound to add that the course followed by them, it seems, is appreciated in quite another way in some parts of our Province, if I am to judge by what is going on in some quarters of our Province of Quebec.

At this very moment, while we the French members of the Senate are denouncing the act of the Government and expressing our grief at the deplorable conduct of our compatriots in the Commons who have helped the Government by supporting their views as to the advisability of granting constitutional power to the people of the North-West to deprive the French population of those territories of the privilege they now enjoy, namely, that of speaking French—while, I say, we are here expressing our sorrow at such a course having been followed, we are told by the latest papers from Montreal that in my own little town a great banquet was held in honor of the very party whom I am presently criticizing for the unpatriotic act to which I have just referred.

Should our ancestors rise from their graves, and look and hear what is going on in our times, they certainly could not believe what their eyes saw and their ears heard. What a change has taken place in some of our people during the last half century! What has become of those grand national sentiments which led our forefathers to prefer death to humiliation? Where are those patriotic acts which have won for them a reputation for all time to come? To those great virtues of old times, have succeeded party spirit, which will blind men to such an extent that they will not see the abyss to which they are hastening. Selfishness has replaced true patriotism. Have our people forgotten the great battles which the Lafontaines, the Papineaus, the Morins, the Bedards, the Vigers and other patriots fought for the preservation of these rights and privileges which were guaranteed to them by solemn treaties between England and France?

Let them especially remember the struggles of those patriotic leaders to secure the important privilege of using their language—and then let them put their hands on their hearts and say, to-day, when their leaders are doing their utmost to deprive their compatriots of the North-West of their privileges, whether this was the proper time to banquet supporters of those who are doing the mischievous work.

A few days ago I had occasion to read in a Montreal French newspaper, a letter from Paris, dated on the 26th March last, and written by a French gentleman. In this letter I found the following advice, or I should say an expression of strong hopes as to the perseverance of our countrymen in Canada, in their attachment to their nationality. Let me read a few lines:

"No doubt the attacks recently made against the French language in Canada, will have the effect of strengthening in the hearts of all French-Canadians the worship they kept for our language and our traditions."

Far from having had such an effect our representatives have sacrificed the rights of our compatriots in the North-West, and some of our folks in the Province of Quebec are banqueting the supporters of those men who did the bad work.

What a difference in the sentiment of our countrymen to-day, compared with that of our ancestors?

What a difference between the patriotism of the leaders in old times and the patriotism of the leaders of the Province of Quebec in our days?

I have said enough as to the unpatriotic course followed by our public men in our days, but I cannot let this occasion pass

without establishing the contrast and showing what our ancestors did to protect their rights and privileges. They knew the people they had to live with and they acted accordingly. The character of the English, Scotch and Irish is well known throughout the universe; weakness, baseness, servility will never command their admiration. They have respect and forbearance and even sympathy for a people who fight to the very last for their rights even under circumstances which could give them no hopes of success. But they disdain a people or individuals who creep or truckle to have their rights recognized and justice one to them. Our political history is full of examples showing the truth of this assertion. Let me give you one of them.

Lord Durham having handed over to the Imperial authorities his report wherein he recommended the union of Upper and Lower Canada, in order to give a majority to the English-speaking population and so keep the French population under the rule of an English majority, the Imperial Parliament passed the Union Act in July, 1840. On the 5th February, 1841, Lord Sydenham issued his proclamation, fixing the 10th as the day when the new constitution would come into force. By this law French was abolished. The Governor called Mr. Draper and Mr. Ogden as his chief-advisers; a Cabinet containing five members from Upper Canada and three from Lower Canada was organized. Twenty-four Legislative Councillors were appointed, of whom eight were French. General elections took place and Mr. Lafontaine was urged by the Governor to join the Draper administration. He refused, stating that he had no confidence in a certain number of the members of the Cabinet and that he had no doubt that the Government as constituted would not long agree together.

During the elections, Mr. Lafontaine advised his compatriots to submit patiently to the great injustice done to them all, but to elect no man who was not prepared to fight by all constitutional means for their rights. The elections over, Mr. Baldwin, whose political principles were opposed to those of Messrs. Draper and Ogden, and who, in order to carry out the affairs of the country according to the spirit of the new constitution, had accepted a portfolio in the Cabinet, displeased with the conduct of Lord Sydenham and with his colleagues in the Government, handed in his resignation which was accepted and he joined Mr. Lafontaine.

Lord Sydenham died in September, 1841, and was succeeded by Sir Charles Bagot, whose reputation had preceded him in Canada. Honest at all times, a hard-working man, rather inclined to conciliation, he was described, and such he was found. Addresses were presented to him, to which he invariably answered that so long as he held the high position of trust which Her Majesty had placed in his hands, he would do his best to serve his Queen and country. He would have justice done to every class of Her Majesty's subjects, to whatever nationality or political party they belonged. The Legislature met on the 8th September, 1842. His Excellency discovered at once that his advisers did not possess the confidence of the Assembly. He therefore called on Mr. Lafontaine to join the Cabinet, Mr. Lafontaine refused. During the discussion on the address Mr. Baldwin moved a vote of non-confidence which he accompanied with a vigorous speech against the administration. Mr. Lafontaine followed in French, but was interrupted by Mr. Dunn asking him to speak English. Mr. Lafontaine replied in French in the following words which I have translated into English in order that hon. Senators who do not know French may understand what the answer of Mr. Lafontaine was:—

"Has the hon. member who has interrupted me, and whose friends have repeatedly affirmed was a friend of the French population, forgotten that I belong to that nationality which the Union Act has so badly ill-used? If he has I am sorry for it. The hon. gentleman desires me to speak this, my maiden speech in this House, in a language which is not my mother tongue. I am not a very good English scholar; but let me tell the hon. member, all the members of the House, and the public at large, whose sense of justice I have no hesitation in appealing to, that even if English were as familar to me as French is, I would not, and I could not, make this first speech of mine in any other language than that of my compatriots of French origin, were it for no other reason than that of entering my solemn protest against the atrocious injustice of that part of the Union Act which proscribes the French language and so deprives one-half of the population of Canada of the use of their mother tongue. I owe to my compatriots to do so, I owe it to mysef.

"The hon. the Attorney-General (Mr. Draper) admits that the co-operation of the French population is a necessity, if peace is to be restored and general satisfaction given. It is so. This would not be only an act of justice, it would be something more; I say it is a necessity. Such a co-operation is an absolute necessity, I repeat. The Government cannot do without it. We are ready to give it to them, upon terms and conditions which will in no way interfere with the honorable stand we have taken, but on the contrary, will suit our national temper. The Union

Act was prepared with a view to crushing down and annihilating the French population, but it has been a mistake. It will never be a success. The means employed to achieve this end will produce no such effects. The population of both Upper and Lower Canada have about the same interests, so they will have to sympathize with each other one day or another. Without the active co-operation of the French. The Government will not be able to administer the affairs of the country in the only way which would restore that peace and that confidence which are essential to the success of all administrations. By the Union Act, we have been placed in exceptional situation and in a minority. It may be that we will succumb, but if we do succumb it will not be before we have commanded the respect of our enemies.

"There is not a single French name amongst those of the members of the Cabinet. Is not this fact alone an injustice and a premeditated insult? Should the Government answer that we were offered office but that we declined the invitation, my answer would be, it is true we refused to enter the Cabinet unless sufficient guarantees were given to us. But this is no excuse. Did not the Government find some French, men willing to accept at their hands seats in the Legislative Council? Did they not even find some who consented to become parties to a martial court? Could they not have found some also who would have been willing to join them in the administration"

Mr. Lafontaine went on in the same strain and concluded by stating that:

"while he could have no confidence in the Government taken as a whole therewere Ministers who commanded, his respect and who had a right to his confidence."

Now, was not this a manly and patriotic speech, especially if you consider the position that Mr. Lafontaine occupied, and which I have described as well as I could in the few words I have spoken on this subject? What was the consequence? Did this vigorous speech stir up bad feelings on the Government side of the House? Was an effort made to oppress more and more the French Canadians? No; on the contrary, not long after, some thirty months after, an address to the Queen praying that the use of the French language be restored, was unanimously voted by the Assembly, and such men as Mr. Moffatt and Dr. Dunlop stood up and withdrew all harsh words they had uttered against the French language, adding that it would be a pleasure to them if England acceded to their request. England did accede to it, and since that day French has been, as it had a right to be by the Treaty of 1763, one of the two official languages of Canada.

Our rights and privileges were thus acknowledged and restored, and they have stood the test of time, ill-will and bigotry through all these years. When such a precious heritage has been preserved by our forefathers under most trying circumstances, is it not a matter of grief to every patriotic man amongst us to witness the course which some of our countrymen have followed in the other House? Is not the course followed by them an invitation to our fellow-countrymen to abandon those ideas, to submit to their fate, to cease learning French and become English? Were I of English, Scotch or Irish parentage, I would certainly take pride in my origin. Those races have a renown throughout the civilized world. But such is not my origin, my forefathers came from France. To that nationality I cling with all my heart, believing that it is as honorable as that of my friends of any other origin. True to our good, gracious Queen whose subject I have some pride in claiming to be, I love *la belle France*, the motherland whose son I am happy to say I am. The French people have their defects, but they have also grand virtues. No doubt it is the same with every other nationality, since all evils and defects spring from the disobedience of Adam and Eve, of whom we are the descendants and the unwilling heirs.

Let the French population of this country be true to their nationality; let them have faith in it as our forefathers had. Let them be ready to stand by their rights or fall with them. If they do so, I say there is no danger. They will always have in their struggles, the help of a certain class of the English speaking majority who would be ashamed to use that strength which they possess by their numbers, to oppress a minority and deprive it of its legitimate rights. Let my compatriots never forget the history of the past in Canada, a history of which I have had occasion to say a few words. Let them look at what is going on in the different States of the great Republic south of Canada. Let them follow our compatriots who have gone to that great and prosperous country. What progress they have made! Do we not find them in every walk of life in that country? Some in the judiciary, others in their legislatures, others in their municipal corporations, and so on. Is a nationality which has held its ground in its own country for over a century under the most difficult circumstances that it is possible to imagine, and which could send at the same time her sons to another land to achieve such success—is such a nationality one whose future existence can in any way be a matter of doubt? Certainly not, when it

has, as ours has, those qualities which are required of a population to become a nation, namely, vitality, productiveness and expansiveness.

I cannot resume my seat without assuring this House that while I hold the views I have just now expressed, I am actuated by no other motives than those of loyalty towards my nationality, my own countrymen and the people of the Dominion at large. My conviction is that, if peace and harmony are to be restored in our community the rights of each nationality should be acknowledged and maintained. Our past as well as our present history shows that it is so. Bear in mind the use of the French language is not merely a privilege. It is a right, as I have already shown. If so, then it is our property, the property of the minority in the Dominion. The moment, then, that the majority refuses to acknowledge this right, it becomes the duty of the minority so menaced, in the enjoyment of what is hers, to vindicate the same. Dissatisfaction is shown, troubles begin, national feelings become excited, war, internal war, is at hand, and the whole country has to suffer for it. Look at the agitation in Manitoba. Who can say what will be the end of it? Had I not been actuated by such worthy motives as those I have just now described, I certainly would have felt inclined to remain silent and live in peace with friend and foe. Am I not, at this very moment, expressing my full disagreement with my own compatriots in the other House, whose course on this very same question I strongly disapprove and condemn? Such a position as the one I refer to as being mine, is certainly not an enviable one, if friendly relations are considered. Much less so if you take into account the strong efforts which have been made for some six or seven days past to persuade my countrymen in this House to vote down my motion and prevent me, if possible, from having a seconder, so that my motion might not be put before the Senate. One could not imagine what were the arguments used to convince members of their duty to do so, in this instance. Let me give you some of those valuable reasons. "The Government had to be supported. Our friends from Quebec had voted with the Government. It would injure them if Senators from Quebec should vote the other way. The Opposition in the Commons had rallied to the views of the Government. It would not do to contradict in the Senate the course followed by our friends in the other House. Never mind the French language—let us save our friends." Such are politics in our days. Such are the national sentiments of some of our people. How many have those arguments convinced? I could not say how many will support my views. I did not enquire, neither do I know whether my motion will be seconded. I know not how far the efforts made have succeeded. One thing I know, and it is this: even if the great cause I here advocate is deserted in this House as it has been deserted in the other, even should I be left alone to vindicate it, I should not hesitate to do what I consider a duty, and a most solemn duty, failure to fulfil which on my part I should consider an act of treason to my compatriots, nay to the whole people of the Dominion.

"Justice brings about peace."
"*Justitia et pax osculatæ sunt.*"

I ask for nothing new, nothing extraordinary, nothing but what is perfectly just and equitable. Under the present laws, both English and French are official in the North-West Territories. I ask that the new law acknowledge them also. Under the present laws the power to abolish those official languages is reserved to the federal authorities in the same way as under the British North America Act this same power is reserved to the Imperial Parliament. I ask that under the new law we are now discussing this same power be also reserved to the federal authorities, as it is now, and as it has been in the past.

Let me relate an incident that I only learned on Saturday to show you what fanaticism can do. A meeting of milkmen took place in Montreal a fortnight ago with a view to forming an association for mutual protection. The attendance was small. Those present were all English with the exception of two or three French Canadians. They adopted some regulations for the new association—after which they adjourned the meeting until a week ago last Saturday, at which time another meeting was held. The secretary was familiar with both the French and English languages, and the minutes of the previous meeting were read in English. The second meeting was a mixed one, English and French. No objection was raised to the minutes being read in Eng-

lish. The meeting heard the secretary with pleasure and when the reading was over some of the French milkmen said: "We do not understand English; will you be kind enough to tell us what is the meaning of these regulations?" Some of the milkmen said: "No; it is not necessary that you should know, and you will not have them." When the French members of the association saw that their reasonable request was refused, although they belong to the majority, they left the room. The Englishmen who remained elected officers and appointed an English gentleman as president, and then adjourned the meeting until last week. Last Saturday another meeting was held. There were present nine English speaking persons and no French Canadians. The French had protested against the treatment they had received and did not come back. Then the English speaking members quarrelled amongst themselves. Five expressed their regret that those men who had always been good neighbors, had been refused a French version of the regulations. Four others said: "It is all right and we will stick to it." Among the five were the chairman, and they said to the other four. "It is useless for us to form an association, good-bye, we will join our French Canadian friends," and left the room. The four others remained. This shows as between two classes of the population how it comes that the French are always ready, at all times through politeness to give way to the minority. Even in Quebec we give way to the minority and grant them concessions to which they are not entitled, because we feel that we are strong and when we have to force the minority to do what is right we have the power to do so; and we like to give them what they are entitled to and we ask no more for ourselves. But as long as speeches are made by men like McCarthy and O'Brien they will stir up feelings of race and religion and intolerance, because we know very well that the French population at large will resent hearing themselves alluded to, as they have been during the last three weeks that I have referred to. You do not hear of us doing that in Quebec. On the contrary, Lafontaine, in 1841, went through Quebec and said to the people: "Be quiet; you are unjustly treated; you have been robbed, but you must accept the position calmly and send men to help me, and we will fight it out in Parliament." They did so, and he fought it out in Parliament and got justice, and since that day we have always received justice from the Government on this important question. I gave notice that I would move an amendment on the third reading, but I believe that the best thing I can do is to divide the House in committee and also on the third reading; so I give notice that I will move my motion in committee and that I will renew the same motion at the third reading.

THE SPEAKER—Do you withdraw your resolution now?

HON. MR. BELLEROSE—I will withdraw it for the present, and move in committee so that the discussion can now proceed on the main motion that the House go into committee of the whole on the Bill.

HON. MR. GIRARD—You have heard an eloquent voice from the east, and have had a good deal of information on the question which is now before the House. It would be but fair and just that a voice from the west should be heard on this occasion on behalf of the claim of the French people to be allowed the use of their language in all parts of the Dominion. I regret that this question has come before Parliament. It is not a popular question, and it has been treated so exhaustively in another place, that it would be difficult to say anything new on the subject. However, I am very glad that my hon. friend from Delanaudière has taken the position that he has announced to-day. The French population of Canada have good reason to demand the right to use their language from one end of this country to the other. They are the descendants of those who opened up this Dominion to civilization, and I cannot conceive on what grounds they are to be denied any of the privileges or immunities guaranteed to them over a century ago. I think it would have been better, when this question had to come up at all, to have left it to the Legislative Council of the North-West to legislate on the subject themselves: then it would have come up in a proper shape to be dealt with here. I think they have the power already to publish their proceedings as they like, and if they exercise it no one will complain. What we feel, and feel

bitterly, is the fact that we are to be deprived of one of our privileges. As I have said, we were the first settlers in this country; we opened up the North-West, and we have been improving the land for those who have come after us. It seems but reasonable, therefore, that the right to maintain our language should be respected by the population of this Dominion. We have done nothing that would justify the majority in depriving us of that privilege. On all occasions we have shown our loyalty and devotion to British institutions, and we are not ashamed to appear before the people of the Dominion and ask them if we have ever failed to respond to the call of duty or to show a spirit of patriotism whenever the occasion required it. The refusal to concede to us the use of our language is certainly something that we had no reason to expect. If only as an act of courtesy, the right should not be questioned. We are in the minority to-day—why? Because many of our friends are now living in other parts of the world, and especially in the United States, spreading their civilization, the French language and their customs, and wherever they go they are respected. I hope that the feeling aroused by the discussion of this question will not justify anyone in bringing against us a charge of disloyalty, but if we are ungenerously treated in Canada, there are other parts of the world where we will receive assistance and where we would be maintained in our rights. I do not want to be understood as uttering a defiance in this House; in the twenty years that I have occupied a seat in the Senate, I have always endeavored to show the respect and the loyalty which those whom I represent cherish for British institutions. I think, therefore, that I shall have the sympathy of this House in the appeal that I make to-day. We have seen stormy times in the past, and the storm has been succeeded by calm. I hope in this case that the storm will pass over, and that feelings of friendship and even of mutual affection will be restored between the different races that inhabit the Dominion. It is everywhere conceded that the French language is the most magnificent language spoken in the world. In the various courts of the nations of Europe it is used in preference to any other language, and is in most instances the language of courts, of royal households, and of the families of noblemen and people holding high positions in society. It is a language used by the royal family of England and the noblemen of that country. That is a consideration which should weigh with us when we are asked to abolish the use of the French language in our Statute-books. In the interest of the British Empire we should encourage the use of the French language. We are proud of an Empire which includes so many races, in which so many languages are spoken and so many forms of religion exist. It is what makes England great above all nations, and the admiration of the world. It is desirable that harmony should exist in this country and one way to promote it, and thereby to promote the prosperity of the Dominion, is to avoid such irritating questions as the one which has been brought before this House. It would be well if we could put a stop to this discussion now. Although there are a great many people in the North-West, who speak the French language, the number of French representatives in the Legislature is very limited. Last Session the legislation of the Assembly was not printed in French, and the Governor, although a French Canadian, delivered the speech from the Throne in the English language only. His natural feeling, no doubt, was to give a French version of it to the people. Another reason why we should, in this matter, be treated with more consideration is that we, of French origin, use the English language very largely. We have to come in contact with the English speaking population, and we use their language to a very large extent in the public business of the country. No doubt, in the rural sections, the farmers and their families have not generally acquired a knowledge of English yet, but the language is taught in the village schools, and before long it will be universally known throughout the Dominion. In fact, already in the Eastern Townships you will find whole families of French origin speaking English. I hope that in the family circle their mother tongue will be preserved, but there is no doubt that in the transaction of business before many years the language of the country will be English.

At the same time, if we are influenced by the political feelings of the day; if the French Canadians are forced to use the English language in their families, natur-

ally they will resent it; they will be unwilling to have the English language forced on them. If matters are allowed to remain as they are, the natural current of public opinion is such that I am sure before a quarter of a century has elapsed, the English language will be spoken generally in all parts of the Province of Quebec, and I am sure that inside of ten years English will be the language spoken in every part of Manitoba and the North-West. If we look back to the early history of the country, we will find that everything that was done in English was communicated to the French people in their own language. All public documents and orders emanating from the Government were sent out in both languages. More recently, when Upper Canada was in existence for the first time, official documents were translated into French and published in that language for the people of Essex. When I arrived in Manitoba in 1870, the Hudson Bay Company had a code of laws in English, because the population was largely an English speaking people, but that code was also translated into French for the use of the French people living in the country at the time. At all times the French language has been recognized in that way, and it has been the right of our people from the time of the cession to have their language on an equal footing with the English language. It is unfortunate that now, for the first time in a hundred years, this opposition to our language is developing itself, when it is only a question of a few years until it will naturally disappear as an official language before the courts and in the legislatures. The English people with their wealth, their spirit of progress, their enterprise and their intelligence, are certainly advancing so rapidly that it is more than probable the French language will be forced to go, and for my part I shall hail with pleasure the time when in this country we shall all call ourselves Canadians, and no longer English, Irish, Scotch or French. Canada is our home; we want to live in Canada, for Canada, and to defend Canada and make it progressive and prosperous. I shall not occupy the time of the House any longer, but I thought it my duty on this occasion to express my feelings on this important question. When I first came here from Manitoba, I felt that I was here not only as a representative of the people as a whole, but especially of the French Canadians. I have tried to do my duty by my people. I do not know what advantage it has been for the French Canadians, and when I see what we are doing to-day I am forced to confess that my service has not been of great value. However, I rely on the good-will of the majority—the sense of fair play and justice of hon. members of this House, and I am sure that they will always allow me to be heard in my own language on any subject in which the interests of the North-West and the prosperity of its people are to be considered.

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

HON. MR. ABBOTT.—With regard to section 3, I propose to make an amendment. It has often struck me, and no doubt many of my hon. friends, that the name which is applied to these Territories is not actually correct. It is incorrect to call these Territories the North-West Territories of Canada, because they do not lie to the north-west of Canada, and the consequence of the adoption of this phrase is that many defects of temperature or climate, and many of the convulsions of nature which we read of constantly as applicable to the North-West Territories of the United States are attributed to our North-West Territories, and that is a serious objection. Only the other day there was a tremendous cyclone in one of the North-West Territories of the United States. That was published and circulated even in our own papers, as a storm in our North-West Territories, while, as a matter of fact, there was no disturbance of the elements in our own Territories. Then, in addition to that, the impression which is given by the use of the word "North" is an erroneous one. People who hear the North-West Territories spoken of are apt to connect them with some frigid portion of the continent north of Canada, and we know that the portion which is known as the North-West Territories is by no means an inclement country. As it nears the Pacific Ocean it is much less affected by cold.

The isothermal line in our country is very much north of the boundary line of a portion of what is called the North-West Territories. Geographically the Terri-

tories are not North-West at all; they are directly west of us. Why, then, retain a name which conveys an erroneous impression thoughout the world of a portion of our territory where we want settlers more than in any other? Before we acquired these North West Territories, we were taught to consider them as something forming actually part of the frigid zone, and in the region south of us, where they are not complimentary as a rule, still where they believe much they say about us, I have myself heard them say that Canada is a country where it is winter for seven months of the year and freezes the other five. If that be the opinion of Canada itself, how much more would the mere name "North-West" impress intending immigrants with the idea of the country to the West being, as many people said it was until the last twenty years, unfit to support life, agriculturally speaking? Now to get rid of this unpleasant phrase I propose to ask the House to call these Territories "The Western Territories of Canada," in lieu of the North-West Territories of Canada, and I move that the clause be amended by striking out in the seventeenth line the words "continue to" and in the eighteenth line the words "North-West Territories" and insert in lieu thereof "The Western Territories of Canada."

HON. MR. POWER—The amendment seems generally to be a decided improvement. I regret that the hon. gentleman from New Westminster is not here, because it would probably occur to him that British Columbia is very likely to be included by the unthinking in the designation "Western Territories."

HON. MR. MACDONALD—I think the name "The Territories" would do very well without Western at all.

HON. MR. ABBOTT—British Columbia is a Province and there is no more danger of it being confounded with the Western Territories than there is danger of Manitoba being confounded with the North-West Territories.

HON. MR. LOUGHEED—Any Acts of Parliament are extended to apply to the North-West Territories, and some clause covering that should be inserted.

HON. MR. ABBOTT—I have a provision to that effect.

HON. MR. HAYTHORNE—I see a reference to the boundary line between Canada and Alaska. Can the leader of the House state whether that boundary line has been agreed upon?

HON. MR. ABBOTT—There has been no agreement as yet completed as to how and when the verification of that line will be proceeded with. The Government are anxious to have it done as soon as an agreement can be arrived at.

HON. MR. KAULBACH—It is only a question of survey.

HON. MR. ABBOTT—It will have to be by commission.

HON. MR. POWER—The Government will wait until some valuable gold discovery is made there, and then the Americans will claim it and gobble it up, and there will be a commissian, and England will give it up to the United States.

HON. MR. HAYTHORNE—That boundary line was a subject of negotiation and treaty as far back as 1825, and then it was agreed upon between England and Russia before Alaska fell into the hands of the United States at all; I presume therefore that whatever treaty was in force before the United States got possession will be the one on which that line will be decided.

HON. MR. ABBOTT—The boundary itself was not agreed upon, but the principle upon which the boundary was to be established was agreed upon. I do not remember the language, but the principle was defined, and what remains to be done is to ascertain by actual survey, where, according to that principle, the boundary line will be. That will come up, I hope, before long, and we shall be able to agree upon a commission to determine that upon scientific principles without being affected in any way by the predisposition on the part of the Americans which my hon. friend from Halifax fears will injure us.

The amendment was agreed to.

HON. MR. ABBOTT—I move that a subsection be added to that section which will form sub-section 2, in these words:—

"The words 'North West Territories' and the word 'Territories' wherever they occur in this Act, or in any Act amending the same, mean The Western Territories of Canada."

HON. MR. McINNES (Burlington).—At present the sub-divisions of the North-West Territories are the Province of Manitoba, and the Territories of Assiniboia, Saskatchewan, Alberta, and Athabasca, leaving a very large tract of country without any definition at all, and I think it would be a great advantage if that were sub-divided. It is large enough to make five territories such as those already carved out of it. One acquires knowledge of the respective parts of a country and their relation to each other when they appear on the map. It would also be convenient for description, in case of any event or discovery, and for the application of any regulations applied to Indians; for, after all, it is only on the map that most people acquire a knowledge of that country. I merely draw the attention of the leader of the Government and of the House to the fact now, and it is to be hoped that at some future time these sub-divisions will be made.

The amendment was agreed to and the clause was adopted.

HON. MR. ABBOTT—Sections 5, 6, 7 and 9 are the sections which make provision for the new Legislature. Hon. gentlemen will see that section 2 contains all the provisions about the formation of the Legislative Assembly. These are now changed to some extent and therefore these clauses have to be repealed.

HON. MR. LOUGHEED—I was going to suggest to the leader of the House that the provision for three legal experts be struck out, and two legal experts be inserted in lieu thereof. The present court consists of five judges, and three of these act as legal experts in the Assembly. Hon. gentlemen will at once perceive that there is consequently a majority of the court in *banc* acting as legal experts who, when sitting in judgment on their own acts, will not stultify themselves by placing any other interpretation on their own legislation than they gave to it at the time the Act was passed. That difficulty has presented itself on more than one occasion. On one occasion a very important suit came before the Court in *banc*, presided over by these five judges, and the three judges who were responsible for the legislation, placed an interpretation upon their own legislation, which was entirely contrary to the interpretation placed upon it by the other judges, and which, according to a great many lawyers, was not at all warranted. So that hon. gentlemen will see that that difficulty presents itself particularly to lawyers in going before the court, if they urge that a statute does not bear the interpretation which one of those legal experts may choose to give to it. So far as legislation in the North-West Council is concerned, two of those judges would be ample to act as experts; there certainly should be a majority of the court whose hands would not be tied by having taken an active part in making the legislation. I submit that the Bench should not be handicapped, the way it is at present, by having a majority of the court as legal experts in the North-West Council.

HON. MR. GIRARD—I must admit that the Bill before us is not much of an improvement on the existing law. It will certainly create great confusion, and I would say, most respectfully, that it would have been a great deal better if the Government had codified the different laws relating to the North-West, and in doing so had omitted the provision for legal experts in the Assembly. I do not see how it is possible that in any legislature proper harmony will be maintained between such experts and the representatives of the people. The experts will be chosen from the judges, and their legal experience and education will certainly assist greatly in perfecting the laws; at the same time, I do not see why the Government hesitate so much in completing the organization of the North-West. We should have responsible government there, as we had in Manitoba in 1870, when the population numbered only twelve thousand. It was easy at that time to conduct the affairs of the Province under responsible government; but the population is increasing in the North-West, and though I would prefer to see Manitoba settled first, the movement is westward, and many intelligent, enterprising people have settled in the North-West and will be satisfied only with responsible government of their own. I think the duties of legal experts should be such as those of the Supreme Court here—to give their opinion on all difficult questions of legislation submitted to them by the House of Assembly. But to give them power to take part in the discus-

sions, I do not think is prudent or desirable. There will be a clashing between the representatives of the people, and these experts, and under such circumstances I think it will be better for the Government to reconsider the matter, and complete the organization of that vast territory.

HON. MR. KAULBACH—This Bill goes very far in the direction of local self-government, but certainly we could not give the Local Government control over many things that we have hitherto reserved to ourselves until the country is more matured, and more experienced in self-government. At the same time, the sooner we get rid of some of those questions which agitate Manitoba, such as education, and give the North-West Territories the right to legislate for themselves on such purely local matters, the better.

HON. MR. PERLEY—I agree in the remarks of my hon. colleague. When this Bill was before the House a few years ago, when I had the honor of a seat in the Commons, my idea was that it would be necessary to have gentlemen in the Local Assembly who would be more conversant with the making of the laws, and better qualified for legislation than ordinary members, and I suggested on that occasion that there should be a law clerk, well learned in the law, who should draft all the Bills, and who would know when they conflicted with other laws of the country. I think it would have been better had my suggestion been taken on that occasion; but the Government proposed that there should be three legal experts. They had power to discuss with and inform the Council on all matters that came under their jurisdiction, but had no power to vote. They were simply there as an advisory council. I still think it is well to have some arrangement of that kind, because although the North-West Territory is being settled by an intelligent population, and amongst them a good many clever men, there are few lawyers in the Council, and I find that even common lawyers are not perfect in making laws, and that it is necessary to have more skill than the ordinary lawyer possesses in that respect. I do think it is unwise to have men assisting to make the laws that they themselves have to administer, as the judges do. I can understand quite well that it is a difficulty, and I have heard it spoken of more than once, though not as reflecting in any way upon our judges, because we have a good class of judges in the North-West, still this will be a difficulty as long as such a state of things exists.

I think if the Government would consent to make the number two, instead of three, it would be just as well. There might be some exception, and hon. members here who have exhibited a great deal of feeling might think that a national question would arise; there is only one French judge in that country, the other three are English speaking judges. For my part I am quite content that one of these two should be the French judge.

HON. MR. POWER—I think the better way would be not to cut down the number of these experts, but to do away with them altogether. It is something quite unparalleled in the construction of Legislatures that there should be experts put on the floor of an elected assembly with power not merely to advise, but to speak. They have no power to vote, but they can take part in a discussion. The better way, I think, would be to omit this provision, and insert the provision which exists with respect to our own Parliament here, and also exists in several of the Provinces, authorizing the Legislative Assembly to procure the opinions of the judges on any legal questions that arise in connection with measures going through the House. I think that is the better way, and to allow the law clerk to act as the legal advisor of the Assembly in its ordinary business. We can tell from the samples of the lawyers of the North-West, that we have on the floor of this House, that they have gentlemen out there quite competent to give advice with respect to the construction of statutes.

HON. MR. ABBOTT—I am sorry that I cannot agree with my hon. friends on this subject. These experts seem to me to be rendered obviously necessary by the system of government which is adopted in the North-West. If the suggestion of my hon. friend from Winnipeg were adopted, and they were given responsible government, all necessity for these experts in the House would probably cease, because if they had responsible government they would have, as we have, and as every legislature in the Dominion has, respon-

sible law officers of the Crown, and in addition another law officer, or quasi officer, who would be ambitious to be a law officer of the Crown. They would have two professional critics of legislation, men, who, from their official position, would be the guardians of correct legislation in the House. Now, as it stands there are no such officials in the Legislature of the North-West Territories. The legislation must be prepared and must be discussed and altered in the House to suit the views of the members, and in order to enable them to do that intelligently, it is absolutely essential, it appears to me, not only that there should be legal advice as to the form of drawing Bills, which is very necessary indeed, but as to the amendments and additions which may be proposed to those Bills. The law clerk cannot come into the House and discuss there any proposition to amend the law or to enact new legislation. And as we all know, laws are shaped by being introduced in a certain form which, of course, could easily be a legal form to be prepared by the law clerk, but once introduced they are then at the disposal of the members of the House; they make what changes they like in them, such changes as they may think on the spur of the moment are necessary or proper. Now, what more wise or satisfactory arrangement could there be, than to have in the House gentlemen who are selected for their skill in such matters, who have the power of discussing them in the House, and, therefore, of explaining to members who desire a change or addition, exactly what that change or addition may be, or object to it if it is objectionable, and show why it is objectionable in point of law, or show the reasons for supporting it if it is desirable. I cannot conceive of any arrangement short of one which would give them an elaborate and expensive government, with official law officers entitled to speak in the House—no arrangement short of that would apparently answer the purpose so well as to have those gentlemen there without the power to vote, but with the power to explain their views on the questions of law which arise, and to shape the legislation, as far as the law is concerned, in such a way as to make it effective. That seems to me to be an admirable arrangement, and so far as I know it has worked exceedingly well. There is no reason on the ground of experience for changing. My hon. friend from Calgary spoke of reducing the number of these experts for the reason that they, being judges, constitute the majority of the Bench. My hon. friend appeared to think that that was objectionable. Now it does not appear to me to be an objectionable feature, and for this reason: these gentlemen are engaged in the making of the law which they are called upon to interpret. Who so well as they would know what the law was intended to mean? If anybody understood the law it must surely be the men who made it, and it seems to me more likely that the very men who took an active part in making the law, who took part in the discussions from which the law arose, are better fitted and more capable of interpreting that law than other men who had nothing to do with its formation, and who get their ideas from the judgment which they may form upon its interpretation without being aware of all the circumstances under which the law was passed. Now this system is not unique as far as that goes. It is the system which prevails in England at this moment. The ultimate Court of Appeal in England is the House of Lords, which is a branch of the Legislature, and the very men who assist in making the laws — the Law Lords—are the very men who decide in the last resort what the meaning of those laws is. So I think we have theory and experience both in favor of the present system of having three experts, besides the convenience, in case of a difference of opinion amongst these experts, of having an unequal number, so that the majority may decide. Now as respects responsible government, hon. gentlemen must see that the Territories, like every other portion of the Dominion, must in the end come to have responsible government, and no doubt will be as well fitted for it as any other portion of the Dominion when the time comes; but they have as yet but a small population. The expense which the officials needed for responsible government, the official ceremonies and disbursements, would entail upon these Territories with their present small income, would be very large indeed in proportion to the population, and the elaborate and costly machinery of responsible government would seem to be misplaced when it is applied to so small a number of people. Again, public opinion in the Territories,

where the population is sparse, and where there are few newspapers and few meetings of the people of the country in large numbers to discuss public matters, is not so strong as it is in the older provinces, where a position the reverse of that prevails, and there would be more danger in a country with so sparse a population and with so few indicators of public opinion, of imprudent measures, which might hamper and injure the progress and prosperity of the Territories for all time. They might run themselves into debt. It is one of the most natural and most dangerous tendencies of young constituencies, wanting improvements in every direction, to run themselves in debt for such improvements beyond their means. They would have the entire control of such subjects under responsible government. Our sister country, which certainly has great judgment in the way of settling her new Territories, never thinks of giving the privileges of a state to one of its Territories until it reaches a very considerable population indeed. Their ideas on that subject are immensely larger than any which have yet prevailed in the Dominion of Canada. So that in abstaining from granting the elaborate machinery of responsible-government to a small community like this, we are following their example and acting on what I think is a sound principle. There is not the least doubt that when any Territory becomes so settled, when it comes to have such a population and such an amount of business to administer, that responsible government is necessary for it, it will than receive it; but I think, and my colleagues think, that it would be premature to talk of giving them responsible government at this moment.

HON. MR. LOUGHEED—In answer to the leader of the House I may say, with all due deference to the precedent referred to, namely, the House of Lords, as being a precedent for the appointment of those legal experts, it differs from the proposition here in some respects. In am not talking in any respect against the system of appointing legal experts; so far as I have heard the system has given satisfaction; but the difference between the House of Lords and the North-West Council in this respect is here, that three legal experts are appointed who are specially responsible for the preparation of all Bills and for the proper drafting of the same. Now, in the House of Lords I do not understand that responsibility is cast on the Law lords for the drafting of those Bills, and consequently they are at liberty to place any construction upon them that they may see fit while sitting in a judicial capacity. But here are three legal experts holding a position analagous to that of the Attorney General, who revises all legislation, who drafts all Bills, and consequently I submit to this House that the Attorney general of a Province could not give a disinterested judicial opinion upon the construction of a statute. Again, in answer to my hon. friend when he says that there are no judges better qualified to state what the meaning of an Act is, or what was meant by the Legislature in passing it than the three legal experts who framed the legislation, I may say there is no better defined rule for the interpretation of a statute than to take it for what it is on the face of it. We have to take the Act as it is drawn: otherwise it would be obvious that the greatest injustice would arise because a statute passed in the public interest would be read by the public without a knowledge of the discussion that took place upon it when it was before the Legislature or what opinions may have existed in the Legislature when the statute was passed. We must take an Act as we find it, we must read it and interpret it as we find it coming from the hand of the printer. without regard at all to what took place in the Legislature. As I said before, dissatisfaction has been expressed in the legal profession and prevails to-day, that by reason of a majority of the Court *en banc* being placed on the board of legal experts, they are handicapped in the way I have referred to while sitting *en banc*, in necessarily standing together in saying what was intended at the time the statute was passed, that it had such a meaning and was directed towards a certain end. One of the most important cases yet tried in the Territories, in which the other two judges (very able men who were entirely disinterested) differed entirely from the three legal experts, they stated that from the Act as drawn the meaning placed upon it by the three legal experts was not justified under the circumstances. I therefore hope that the hon. leader of the House will give some further consideration to this point and allow it to stand for further consideration.

HON. MR. HAYTHORNE—The very effect of the presence of these legal experts in the Assembly will practically defeat the object in view. They are there because it is assumed that the members are as yet inexperienced in drafting amendments and in framing laws, and consequently the assistance of these expert judges is required to fill up that gap. It seems to me that to call upon a body of men to depend upon three experts to do work that they ought to do themselves is to keep them in a constant pupilage. That is the first idea that occurs to my mind when I hear the purposes for which these three experts are to be placed in the Western Parliament. It is not to be assumed—and I submit it with all due deference to professional gentlemen—that difficulties of the same kind have not been experienced in other young colonies. I remember the time when lawyers were very few in Prince Edward Island, and we always had in our Legislature what were called law clerks attached to each House. Sometimes the same gentlemen performed the same office for both Houses. Only the other day I saw the portrait of one of the first Liberal attorneys general that did duty for the Liberal party in Prince Edward Island, in one of the Montreal illustrated papers, but I do not think there was another legal gentlemen at that time in practice in Prince Edward Island of an age to take public office of the importance of Attorney General, and he filled it with credit to himself and satisfaction to his party. Notwithstanding that we had so young a Legislature and such a scarcity of lawyers, the predicament which it is intended to provide for by the presence of these three experts was never experienced disadvantageously, as far as I am aware, in our Province. Long before my time Bills were passed there and sent home to the Imperial Government for confirmation which were rejected by the Crown, and years and years afterwards adopted by the Imperial Parliament and carried into effect for that part of her Majesty's dominions called Ireland, and thereupon in our Province, Prince Edward Island, we were enabled to reintroduce measures of the same type which had been rejected many years before. For these reasons I should say it would be rather unwise to stick to this plan of legal experts. If you wish to develop capacity for carrying out the business of a Session and to prepare the legislators of a young Province for the important position which they are afterwards to occupy when they receive responsible government, I think the way to do is to let them alone as soon as possible to their own legislative work.

HON. MR. GIRARD—I have spoken on the subject of responsible government because I have read in the papers that the subject is receiving a good deal of attention. Large sums of money are annually expended in the North-West Territories directly by the Federal Government which, under responsible government, would be entrusted to local authorities who would be responsible to the people.

HON. MR. KAULBACH—With regard to law clerks, we had them in the Legislature of Nova Scotia in 1856 and 1857. They sat at the Table of the House and they were considered necessary for the better framing of the measures that came before the House. That system was afterwards abandoned; but in a new country like the North-West I think a Law Clerk would be more effective than the experts proposed.

HON. MR. ABBOTT—My hon. friend from Calgary insists upon a very well understood principle in the construction of statutes, that we are not to endeavor to find out what the laws mean from any outside interpretation of what the law givers meant, and my hon. friend gave one reason himself when he was speaking—because we are unable to find out, in practising before a court, the motives which governed the legislators in passing any particular law. We have not the advantage in ordinary cases, of having actually the very men who made the laws before us. Under the plan which is adopted for the North-West Territories we are not obliged to seek out the motives of the legislators from newspapers or speeches or any other source, which would be the case if we allowed the principle to operate ordinarily. But in the North-West we have the men on the Bench who took an active part in the making of the laws, and who must be presumed to know what the object in making the laws was, as much or more than anyone else can. Of course it is not intended that these men should have the right to put a construction on a statute passed by the Legislature which its lan-

guage will not carry out, but in the nature of things a difference of opinion such as my hon. friend described, must arise, when there is apparent ambiguity in the meaning of a clause under discussion. If it is plain, nobody can attempt to put a forced construction upon it. If it is ambiguous on its face, then surely the knowledge of the men who made it, who took part in the discussion upon it, who knew why it was put on the Statute-book, must be valuable in determining what it means. My hon. friend would rather seem to assume, that the decision which two judges would give on the Bench would be better than the decision which three judges gave. If so, the two judges must know better what the meaning of the law was, than the three judges who made it. That does not seem to me to be a tenable proposition. It is true my hon. friend does not put it on that ground; he puts it on the ground that they are responsible in some way for the framing of the law, and therefore will feel bound to give it a particular construction, but I do not see that such a responsibility exists at all. They may draft the law; they do not necessarily frame it, it is the Legislature which passes it. The Legislature heard their advice in the discussion which took place upon it, but it is not they who are responsible for the law. They are not bound to put a forced construction on it which it will not bear, in order to sustain their position as experts in the Legislature. I do not see that the argument bears very strongly on the question in any way. I am glad to hear my hon. friend's statement that these men have given satisfaction in the work which they have done, and I do not think that this House can consider the fact that they joined in differing from the minority as to the construction of a statute is any proof, or any presumption that they are wrong in that construction, but, on the contrary, I think every presumption must be in favor of their being right. My hon. friend from Prince Edward Island appears to think that the appointment of those experts leaves the Legislature in a kind of tutelage—that they are not acquiring any confidence in themselves, and can have no confidence in themselves until this assistance is withdrawn. My hon. friend must perceive that every Legislature is in exactly the same position, only it does not always call these specialists legal experts. The House of Commons does not call my hon. friend the Minister of Justice and his distinguished opponent on the other side of the House, the hon. Mr. Blake, legal experts, but they are just as much under the tutelage of those gentlemen as this small legislative assembly is under the tutelage of the experts. These gentlemen are the men who speak with confidence, and who are listened to with confidence, on every subject involving questions of law in legislation, as a matter of course, and they perform in the House all the functions which legal experts perform in this small Legislature and many more, no doubt, because they vote. Of course I do not mean that only those two gentlemen perform such duties: all the members of the House who are skilled lawyers are performing the same duties as the experts perform in the North-West Assembly. There is no difference in the two systems at all in principle: the only difference is in form. We desire that they may have skilled lawyers to assist in their deliberations and in making the laws: three skilled lawyers are put there lest they might by chance not have enough skilled lawyers in the Legislature to enable them to put the legislation in the form that they desire to have it. I see that it works well, and the only complaint is that these three men have on some occasions interpreted the law differently from the other two members of the Court. I am not prepared to think that that is a serious objection. The subject has received the most careful consideration that we could give it, and we are all of opinion, from the experience of what has passed in the North-West with reference to these experts, that for the moment it is the best system that we can devise for having their laws put in a sensible and proper form.

The clause was adopted.

HON. MR. READ, from the Committee, reported that they had made some progress and asked leave to sit again.

At 6 o'clock the Speaker left the Chair.

After Recess.

The Committee resumed.

On section 6,

HON. MR. POWER—Originally the term of the Legislature was two years, I

understand. Now it is three years, and it occurs to me that, unless there is something special in the circumstances of the country, it would be better to make the term four years. One of the most potent reasons why the State Legislatures and the Federal House of Representatives in the United States are not filled by better men than do fill them is that the term of office is too short. I think that once in four years is quite often enough to run elections, and when a member is elected for a shorter term it takes him a year or two to learn his business fairly well, and then it is time for him to go out. The tendency is either to induce a man, while in the Legislature, to devote himself to securing his own re-election, or to make the most he can out of the position during the short time he has it.

HON. MR. PERLEY—The first Council had only a two years' term, and I had something to do with the recommendation of the two years' term, and it was for this reason: it was a new country, settling rapidly, and there were changes made from year to year by this Parliament which would necessitate frequent elections. In the present Council, for instance, circumstances have occurred which render it desirable to have an election this summer, although the three years' term has not expired.

The clause was agreed to.

On section 10,

HON. MR. POWER—I do not see that section 10 contains any provision with respect to the franchise, and it seems to me that a representative assembly should have a right to decide as to the franchise that is to prevail in their own territory. I do not think that the franchise ought to be settled at Ottawa, it ought to be settled by the people, and the Legislature for whose members the electors are to vote. That is such a self-evident proposition, that some reason ought to be given for it not being done. We have been giving year after year additional powers to the people of the Territories, but we have never given them enough to reasonably satisfy them. It must be remembered that people in the North-West Territories are, generally speaking, people who have been in the habit of legislating for themselves. They are most of them from Ontario, where they have been accustomed to self-government, and they do not need to be treated as children; it is a remarkable thing that the people are not to have the right to decide on the qualification of voters, and it is for the Government to explain the reason why.

HON. MR. ABBOTT—It would be something new for me to abstain from answering any question that I was asked in the House. The fact is that the franchise is established by the Act we are amending, and established on the one-man-one-vote principle. The Government and this House have hitherto thought proper that every resident for 12 months in the Territories should have a vote, and they are not willing that that franchise should be restricted. It cannot be extended, and they think it better to leave it as it is.

HON. MR. LOUGHEED—I would suggest to the hon. leader of the House that in the interpretation clause a definition should be placed upon the meaning of the word "householder." Considerable difficulty has arisen there, as to the interpretation to be given to it, some going so far as to hold that a man living in a tent is a householder. The decisions in our own courts are very conflicting indeed, and I think it desirable that some specific definition should be put upon that word. I refer my hon. friend to section 20.

HON. MR. ABBOTT—I will consider that point by the time we take up the Bill again and see whether we can make a definition that will suit, or whether, on reflection, we think it necessary to propose one.

HON. MR. GIRARD—My intention was to call the attention of the Minister to the last provision in sec. 6, sub-sec. 2: "Until the Legislative Assembly otherwise provides, as it may do, the Lieutenant Governor shall by proclamation prescribe and declare for use at all or any elections rules for, &c.," then follow the sub-sections respecting elections. The Lieutenant Governor appears to be alone authorized to make regulations and all that is necessary for the organization of an election, and preparing the lists of electors under the system provided by this Act. Some assistance should be given in that case to the Lieutenant Governor. Some of the judges should be there to assist him in these difficult duties. He appears to be

alone, and it seems to me to be a very serious matter to leave all that authority in the hands of one man.

HON. MR. ABBOTT—My hon. friend will see this is only until the Legislature meets. If there should be an election between now and the meeting of the Assembly, the Lieutenant Governor is to make these regulations—that is to say for a by-election—the election of one member, because for the general election the rules will be made by the Legislature at its meeting. In section 10 we require to make an alteration, and I propose to suggest an additional clause. In the 15th line the words "North-West Territories," are to be found, and I propose to alter that by placing the name which we decided upon before dinner. It is proposed to give further power to the Legislature with reference to the expenditure of money. At present the money intended to be expended in the North-West is appropriated here and sent to the Lieutenant Governor with instructions what is to be done with it; but it is proposed to send instructions to the Lieutenant Governor to expend a portion of the money, except what is required for routine work, such as salaries, &c., under the advice of the Legislative Assembly. The proposal is to add to this section another sub-section which will be called 11, and which will be in these terms:

"11. The expenditure of such portion of any moneys appropriated by Parliament for the Territories as the Governor in Council may instruct the Lieutenant Governor to expend by and with the advice of the Legislative Assembly."

HON. MR. GIRARD—That is the beginning of the responsibility.

HON. MR. ABBOTT—Yes; we are going slowly, but all the time in that direction.

HON. MR. PERLEY—I would say here that it was my intention after section 10 of the Bill to propose another clause as clause *a*, but I have changed my mind, and will not now move my amendment. I intended to move it, but for the fact that Mr. Charlton and Mr. McCarthy propose to bring the matter up in the other House, so that whatever time we would spend on it here might be lost. I will simply read it to let the House know what it is:

"The Legislative Assembly shall have power to make all necessary ordinances in respect to education, but such power shall not be exercised until after the next ensuing general election for the said Assembly."

HON. MR. MILLER—If you move it here now the Bill may not have to come back again.

HON. MR. MASSON—The hon. gentleman, after his explanation, had better let his amendment drop.

HON. MR. PERLEY—If we carry the amendment here, it will be opposed below, and perhaps defeated; and I have consulted Mr. Charlton and Mr. McCarthy and they think it better to move it in the Commons and if it is adopted there, the probabilities are that it will be adopted by this House.

On section 13,

HON. MR. ABBOTT—I propose to ask to make a small addition to section 13. It appears that there is some doubt about the jurisdiction of the courts to decree alimony to a wife who would be entitled to alimony by the law of England, and I propose to add the following amendment:

"3. The court shall have jurisdiction to decree alimony to any wife who would be entitled to alimony by the law of England, or to any wife who would be entitled by the law of England to a divorce and to alimony as incident thereto, or to any wife whose husband lives separate from her without any sufficient cause and under circumstances which would entitle her, by the law of England, to a decree for restitution of conjugal rights, and alimony when decreed shall continue until the further order of the court."

HON. MR. LOUGHEED—I was about to suggest that the same clause that is to be found in the Ontario Judicature Act and also in the Manitoba Queen's Bench Act might be inserted here, inasmuch as most of our judicial ordinances are based on the Ontario Act, and the decisions which have been arrived at there would be very serviceable to assist us in the judgments of our courts.

HON. MR. ABBOTT—I understand that this clause has been prepared by the Minister of Justice with a view to assimilating the jurisdiction of the court to the Ontario jurisdiction.

The amendment was agreed to.

HON. MR. LOUGHEED—I would direct the attention of the leader of the House to a peculiar feature in the latter part of sub-section 2. The sub-section reads:

"2. But no court or judge in the Territories shall have jurisdiction in respect of any action for a gambling debt, or for the price of any intoxicating liquor or intoxicant, or of any action by any person on any promissory note, bill of exchange, cheque,

draft, or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt or any intoxicating liquor or intoxicant,"

I was about to suggest that the qualification should be inserted, that such notes should be good in the hands of a *bonâ fide* holder without notice.

HON. MR. ABBOTT—I think my hon. friend is quite right.

HON. MR. LOUGHEED—Hon. gentlemen can readily understand that a note of this kind might circulate as good commercial paper, and would in the ordinary state of business affairs pass into the hands of innocent parties, who should be protected by that qualification.

HON. MR. ABBOTT—If my hon. friend will allow the matter to stand, I will have a proviso carefully drawn, and put in on the third reading.

HON. MR. LOUGHEED—I observe that clause 12 repeals entirely the Act relating to personal property of married women. I ask the leader of the House if it is intended that we shall fall back on the ordinance passed by the Legislative Assembly last Session with respect to the personal property of married women?

HON. MR. ABBOTT—It is intended to refer that to the Legislative Assembly entirely. It is one of the subjects provided by this Act.

HON. MR. LOUGHEED—Then I would ask that a proviso be inserted that this clause shall not come into operation until the Legislative Assembly deals with the matter. Very considerable difficulty might arise in the interval, inasmuch as all protection of the personal earnings and personal property of married women would be repealed by this Act.

HON. MR. ABBOTT—I was informed that an ordinance had already been passed on this subject.

HON. MR. LOUGHEED—Yes; but I am of opinion it was only intended to act in conjunction with the legislation which already existed, and I do not think it contemplated so sweeping an abolition of the law as is now proposed, and if my hon. friend would allow it to stand until I could look further into the matter it might be better.

HON. MR. ABBOTT—All that would be required would be simply to enact in the preamble that from and after the termination of the next Session of the Assembly it shall come into force.

The clause was agreed to.

On the 14th section,

HON. MR. LOUGHEED—I would like to ask the leader of the House the meaning of sub-section 2: "Subject to any statute prohibiting or restricting proceedings by way of *certiorari*, a single judge shall, in addition to his other powers, have all the powers usually exercised by a court *in banc* as to proceedings by way of *certiorari* over the proceedings, orders, convictions and adjudications had, taken and made by justices of the peace, and in addition thereto shall have the power of revising, amending, modifying, or otherwise dealing with the same, &c."

If my hon. friend will look at the Summary Convictions Act he will see that this may be the subject of considerable ambiguity owing to the provision in the beginning of the clause.

HON. MR. ABBOTT—It is not the intention to extend the form of *certiorari* beyond the Summary Convictions Act, but this clause does really extend the power of the judge very much; the idea was that very frequently it would appear upon the face of the proceedings that a proper judgment could be rendered on those proceedings without quashing it merely for informality.

HON. MR. LOUGHEED—The only apprehension is, if any hon. gentleman will refer to section 90 of the Summary Convictions Act, cap. 178, he will there find that there is ground for the opinion that that section would refer to every case being finally brought before a full court as distinguished from the court of a single judge, and that this qualifying clause in the first line of sub-section 2 might therefore nullify the intention.

HON. MR. ABBOTT—I do not understand it so. This clause is not designed to increase the number of cases in which *certiorari* may issue, but when it issues it is to be dealt with in the manner prescribed by this section. Such cases are all dealt with on their own merits; in some cases

they prohibit the *certiorari*; in other cases they grant it.

The clause was agreed to.

On sub-section 15,

HON. MR. LOUGHEED—I would suggest that instead of leaving it to the Legislative Assembly to determine as to the appointment of districts for deputy sheriffs and deputy clerks, that it would be better to leave it to the judges of the respective districts in which they are to be made. It might be very desirable to have appointments made promptly, inasmuch as settlements grow rapidly in the North-West, and I think the judges in all probability would be better qualified to determine where the appointments should be made.

HON. MR. ABBOTT—I do not like extending legislative functions to judges any more than can be helped.

HON. MR. LOUGHEED—It is the loss of time that I principally object to before such an appointment could be made. The difficulty I see in the way is that a year may elapse before a very necessary appointment can be made. I think it would be better to leave the power to the judges or to the Lieutenant Governor and his Advisory Board.

HON. MR. PERLEY—I concur in the suggestion that has been made by my colleague, only I go further. I take exception to this clause altogether. I think the judges would be very proper authorities to determine where such appointments are necessary, and not leave the matter to be decided on political grounds.

HON. MR. ABBOTT—It appears to me that it would be an unprecedented thing to allow the judges to divide up the judicial districts and make appointments. If the Legislative Assembly make an injudicious arrangement, it can be amended afterwards whenever the public think it necessary. If a judge makes an appointment, who is to constrain him to amend or alter it or make another regulation with regard to it? In fact it is a kind of function not usually entrusted to judges. There may be some little delay under this arrangement, but it would be better to let these matters wait until the Legislature meets and exercises the powers which we are going to confer upon it, than to create a new body with legislative powers on those subjects.

HON. MR. LOUGHEED—What does the hon. gentleman think of leaving the appointment to the Lieutenant Governor and the Advisory Board?

HON. MR. ABBOTT—I have not considered it or consulted my colleagues about it. However, I will take a note of the suggestion and submit it to them.

The clause was adopted.

On clause 21,

HON. MR. LOUGHEED suggested that, in the absence of the grand jury system in the North-West, provision should be made giving a judge power to look over the evidence taken at a preliminary trial to see if it is sufficient to put an accused person on trial, and in case it is not, to discharge him.

HON. MR. ABBOTT said he would take a note of it and consult with his colleague the Minister of Justice on the subject.

The clause was adopted.

On clause 28,

HON. MR. LOUGHEED said: A very considerable amount of dissatisfaction prevails to any alteration in this particular section. It looks very harmless but yet it may be made a means of oppressing the public. The law of the Territories now with regard to liquor is this: that if liquor is brought into the Territories under the special permission of the Lieutenant Governor, it is there lawfully and can be given away lawfully. If A brings in a dozen bottles of brandy under the special permission of the Lieutenant Governor he can give a bottle each to B, C and D. But under this proposed section B would have to get a special permission from the Lieutenant Governor to receive this bottle of brandy from A, and so would each of the others. This law has been made very oppressive and tyrannical up to the present time and has given rise to a great deal of dissatisfaction. It has not been promotive of temperance or good order by any means. If hon. gentlemen will look at the various reports that have been submitted here, year after year, by the Mounted Police, they can see that this law, the most stringent that we have on our Statute-

books against the liquor traffic, is almost inoperative. The people consider it tyrannical and oppressive, and the tendency of public opinion has been, up to the present time, rather to relax the law than to increase its stringency. If hon. gentlemen will look at this Bill, they will see that it is contemplated to give the Legislative Assembly power to deal with the liquor question hereafter. I do not think, therefore, in view of this fact, that they should proceed to make this law more strict and oppressive in form than it has been, and thus create greater dissatisfaction than that which has prevailed up to the present time. I do not stand here by any means as an advocate of the liquor traffic, or of widening the doors for the purpose of assisting this traffic to be carried on. I have always been a strong advocate of temperance legislation, but when I see legislation of this kind, which has proved worse than a farce, in the Territories—because I say it advisedly—in the town of Calgary alone I know of twenty places where liquor can be purchased openly notwithstanding the fact that we are surrounded by a police force for the purpose of enforcing this law—I do not wish to see it made more stringent. Owing to the disregard and disrespect that the people of the Territories have for this law it is not observed. Any further restrictive legislation of this kind would only increase the difficulty under which we at present labor. The disregard to this particular law is spreading to such an extent that it is creating a disregard of more salutary laws for the preservation of order and morality. Hon. gentlemen should take into their consideration the fact that year after year the Legislative Assembly have protested most emphatically against this law. It has been made an engine for the greatest oppression. Let me point out the fact that this proposed clause is calculated to have this effect: that if liquor is brought in for medicinal purposes and A finds that B is suffering from some complaint which could be relieved by liquor and gives it to him medicinally, B, in receiving it, even for necessary medicinal purposes, becomes subject to a fine of $200 and costs. I assert it to be an arbitrary law, and as a representative of the North-West Territories I protest against the passage of sumptuary laws and the making of this law more unjustly rigorous and despotic than it has hitherto been.

HON. MR. VIDAL—As the hon. gentleman is a representative from the North-West, I suppose we are bound to accept what he gives as an explanation of this large sale of liquor which is taking place in Calgary. The information that comes to me is that it is entirely owing to the very reckless manner in which permission is granted by the Lieutenant Governor to bring liquor into that country.

HON. MR. LOUGHEED—The permits only represent a very small portion indeed of the liquor that is brought into the Territories. Illicit liquor is brought into the country in all manners. Every device and scheme are resorted to for the purpose of bringing in liquor, and it keeps the North-West Mounted Police busy from sunrise to sunset examining every train of cars passing through the Territories endeavoring to carry out this law, which they find they cannot do. But the best answer I can give the hon. gentlemen from Sarnia is this, that the North-West Mounted Police from year to year in their reports published in the blue books have stated that it is utterly impossible to enforce this law: that the Legislative Assembly from year to year has protested most emphatically against it, and that every representative voice that can be raised from the Territories up to the present time has been protesting against this law. In the teeth of all these facts I do not think that the tendency of the legislation should be to increase the restrictions which have been placed around the people of the Territories to a greater extent than those which already exist.

HON. MR. ABBOTT—The reports which I learn have been made on this subject tend to show that this privilege which a person now holds, under the law as it stands, of possessing any quantity of liquor, is a cover and shield for those who bring liquor into the Territories without a right to do so—such a cover and such a shield that it is almost impossible to stop such importation. And one of the great causes of the prevalence of liquor throughout the Territories, notwithstanding all the precautions taken to prevent it, has been the fact that the moment it can be passed into the hands of a third party, that party can be in possession of it without incurring

any penalty, or exhibiting any permission. My hon. friend's statement, it seems to me, cuts both ways. Surely it is desirable that this trade in liquor should be checked as far as it can possibly be by law —and that I understood was the opinion of everybody throughout the whole continent. They admired the freedom from intoxication which prevails in the North-West Territories—it is news to me that the people are opposed to the restriction of the liquor traffic in the Territories. I never heard that view taken of the liquor law in the North-West; on the contrary, I have heard them praised as being the cause of our being able to maintain such order in those vast territories at so small an expenditure. I am bound to believe that it is necessary that there should be improvement in the legislation with reference to the admission of liquor, from my hon. friend's own argument, when he insists upon the great quantity and abundance of liquor to be found there. Even that indicates to me that there is some necessity for improving the law, and this proposed legislation, the Government have been informed, would serve as a check, an appropriate check, on the introduction of liquor into the Territories, inasmuch as it would take away the facility with which liquor is received and retained after it is brought into the country illegally. I hope the Senate will adopt the clause, and after the next election, the Assembly may deal with the subject itself, and make such arrangements as it thinks proper.

HON. MR. PERLEY—If we pass section 34 it gives the Legislative Assembly power to do away with these restrictions.

HON. MR. VIDAL—It gives them power to deal with the subject after an appeal to the people, and I am satisfied that when the people are given a chance to express an opinion on the subject they will not consent to have this law removed from the Statute-book.

HON. MR. LOUGHEED—Has this clause been prepared to meet the result of a judicial decision? I have a distinct recollection of a report having been brought down here from the Commissioner of the Mounted Police which resulted in advanced legislation of this kind, in which it was stated that Judge Rouleau had rendered a judgment under this Act in a manner which was unanimously condemned by this House in last year's debate upon the North-West Police Act. When the debate in question was brought to the knowledge of Judge Rouleau he at once denied having made such a decision and stated that such a question for decision had never come before him—that the representation was entirely incorreet, and the officer making it was altogether in error. I hope that this clause is not the result of a similar incorrect report made to the Government, based on a alleged decision of a court which was never rendered, and in fact never had an existence.

HON. MR. ABBOTT—My hon. friend drew my attention to the question respecting Judge Rouleau's decision, and I also had a letter from the Judge on the subject, in which he stated that he had never rendered such a judgment as that mentioned in the debate in this House to which my hon. friend has referred. It was reported that the Judge had held that the Mounted Police had no power to search for liquor unless they actually saw the liquor—that they could not be held to have reason to suspect that there was liquor anywhere, unless they saw it. Judge Rouleau assures me that he never gave such a decision. The legislation has done no harm, but it was mortifying to Judge Rouleau to have a decision attributed to him which he never rendered.

On clause 32,

HON. MR. BELLEROSE moved that the proviso contained in the last three lines be struck out.

HON. MR. ABBOTT—This clause has given cause for a good deal of consideration from the Government, and I observe that my hon. friend objects to the proviso at the end of the clause on the ground that it is agitating the question—I will use his own language:—

> "It is not in the interest of this country to agitate the question of changing such provisions of the constitutional laws of the North-West Territories as now proposed to be amended, and which gives to the people of those Territories the free use of both the English and the French language in the proceedings of the Legislative Assembly, and in the recording and publishing the same."

I presume that my hon. friend is well aware the introduction of this proviso into this clause is not really agitating the ques-

tion. The question has been agitated, and has been discussed, and has formed the subject of a very energetic agitation and a long debate in another place, as everyone knows. The result of that debate was that with a very few exceptions the other House agreed to submit this question as to the use of the French and English languages to the Legislature itself—to leave it to the decision of the Legislature itself after its next election, to decide in what manner its proceedings should be published, and so far from agitating the question by the insertion of this proviso, in point of fact we are adopting the principle which was agreed to almost unanimously by the representatives of the people, and which has met with the almost unanimous sanction of the press throughout the country, as a moderate, sensible and constitutional mode of settling this difficulty. Of course it is not my intention to enter upon the history of this question, or to discuss it at length. I find before me a problem which appears to me to be practically solved. While on the one hand certain parties who press the English ideas very far—much further than I do, much further than the leaders of politics on both sides of the House do, desire to make a positive exclusion of the French language from the proceedings of the Legislature there; and I judge from the preamble of the Bill which was introduced in another place that they desire to extent that exclusion a good deal further than the North-West Territories; I think the great majority of the people and of their representatives are opposed to any such exclusion; but with regard to the North-West Territories they appear to have arrived at the deliberate conclusion that this is a subject, like most other subjects, that the people themselves can deal with, and this proviso simply gives it to the people to deal with as they can deal with other matters affecting their rights and privileges. There is nothing new in this resolution. In Lower Canada where they are as anxious to preserve their nationality as they are in any other part of the world, and if there is to be any restriction there, the restriction would be in another direction, I am glad to say that no such idea has ever possessed the mind of any public man as to exclude either language. So far from that there is a provision in the municipal laws of Lower Canada which makes exactly the same proviso respecting the French language, as this proviso makes with respect to it in the North-West Territories, with this exception, that the law of Lower Canada provides for the promulgation of the decisions of municipalities by a proclamation, which this law does not. Now, in order that there may not be a shadow of objection, or any excuse for any Lower Canadian to oppose this clause, I am going to propose an amendment to this proviso itself, which will place the North-West Territories in exactly the same position as the Province of Lower Canada is. For instance, as in Lower Canada, any municipal council can pass a resolution to the effect that only one language shall be used in all its proceedings, whether English or French, that only English shall be used in all their proceedings, and public notices and everything of that description, or they may pass a resolution that French only shall be used. The law places both languages exactly in the same position; and upon the council so resolving, and upon their communicating that determination to the Lieutenant Governor he issues a proclamation. And from that moment the resolution constitutes the law of that locality. There are counties which contain as many inhabitants in any one of them, as the North-West Territories, and the resolution becomes the law of that county until they alter it themselves. Now, in order to assimilate this proviso in section 32, to that in the law of Lower Canada which we are accustomed to and understand, I propose to add to the sub-clause the following words: —

"And the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law, and thereafter shall have full force and effect."

HON. MR. BELLEROSE—I find a good deal of difference in the two cases, because in Lower Canada it is in the different municipalities that the majority can decide that their municipal proceedings shall be published only in one language; but in this case it is the entire Province. If the leader of the House could find some means of putting it on the same footing as Quebec, I should not oppose it, because I see it is the law of my own Province. It is not the same in Lower Canada as in the North-West. In our Province there is no immigration, and to impose such a law on the North-West Territories,

as is now proposed, would be shutting the door to the immigration of French Canadians into that part of Canada, so that there is no comparison between the two cases. I do not see why, because there may be a majority of English-speaking people in the North-West, that territory should be shut against emigrants from Lower Canada, because it is very well known that when the people find that their language cannot be used in that part of the country they will not go there.

HON. MR. POWER—While I do not differ in principle from the hon. gentleman from Delanaudière, I do not quite agree with him with respect to emigration from the Province of Quebec. At the present time, and for a number of years there has been a very large emigration from Quebec to the United States; there is certainly no protection for the French language and no provision for it in the Legislatures, or in the public business of the United States; and yet the fact of their not being allowed to use their own language officially does not seem to deter the people of Quebec from going to the United States; so that I do not think there is a great deal of weight in that argument, if the hon. gentleman will excuse me for putting it so bluntly. This is an important question, and one perhaps that is almost too important to talk about in Committee of the Whole. The hon. gentlemen from Delanaudière and St. Boniface both speak of this clause of the Bill as though it involved some reflection upon the character of the French language. Both gentlemen speak of the French language as being the language of courtiers, statesmen and literary men. That is very true, and I may say, although it is not the language I speak, I think that for purposes of parliamentary debate or for purposes of legislation, wherever clear and precise phraseology is required, the French language is infinitely superior to the English. But that is not the question here. It is not the question which is the better language in itself, the English or French, but whether or not the Legislature of the Western Territories of Canada shall be allowed to decide for themselves which language they shall use. Although I agree with the hon. gentleman from Delanaudière in principle, I do not think that this is an occasion as to which one should fight for that principle. If this were a very valuable or important privilege which was about to be taken away from any large section of the people of the Western Territories I should be as ready as anyone to support the hon. gentleman, but I do not think it is; I do not think it is well to be too logical in politics. The reason why we have got along in this country, even as well as we have, is that we have compromised. The difficulties of governing Canada are immense. When one looks at this country stretching from Cape Breton on the east across the continent in a narrow fringe north of the United States to British Columbia, and having in addition to that two races in almost all of these Provinces, it is perfectly clear that unless there is a disposition to give and take we cannot carry on the government of this country successfully. The gentlemen in Parliament and outside who have raised the question about the use of the French language in the North-West Territories, are, to my mind, much more unreasonable than the hon. gentleman from Delanaudière, and those who agree with him. We had been getting along in peace and harmony, and when the matter came to be enquired into it was found that the expense of French printing in the North-West Territories amounted to $400 a year. The debate which took place on that subject in another place has already cost more than the French printing would have cost the country for a number of years, and it has set a great many people in the Dominion by the ears: so that I think the people who have raised the question and undertaken to set the heather on fire have been much more guilty, if there is any guilt in the matter, than those who desire to keep things as they are. But my view is that, even though the persons who raised the question raised it without any substantial reason, as it is a matter of very little consequence to the French people, as the carrying out of the amendment embodied in this new section will do really no harm to the French people or to those who are friends of the French language, it is not well to make a fight over this particular question. It is a matter of very little consequence either way. Some hon. gentlemen have spoken of the change made by the 32nd clause, as though it put an end to the French language in the North-West Territories; but a careful reading of the clause

shows that it does not. It provides that "either the English or the French language may be used in the debates of the Legislative Assembly of the Territory and in the proceedings before the courts, &c.; and both those languages shall be used in the records and journals of such assembly." That is the present law. The proviso is :—

"Provided, however, that after the next general election of the Legislative Assembly, such Assembly may, by ordinance or otherwise, regulate its proceedings, and the manner of recording and publishing the same."

Now, what does that do? It simply gives the Legislative Assembly a power, which it practically exercises to-day, of carrying on the debates in the English language and not recognizing the French language. If the Legislature should choose they can have their journals printed in English and not in French, and their reports in English and not in French. On the other hand, the ordinances to be made under this Act will continue to be printed in both languages and the proceedings before the courts may still continue to be conducted in both languages. As I am informed, there is not a man in the Council or Legislature in the North-West Territories who is not as much at home speaking English as French; and I fail to see, that being the case, while there is no one hurt by the cessation of the use of French in the proceedings of the Assembly, why we should make any special difficulty about accepting this enactment. Hon. gentlemen know that in this House, although both languages are recognized as equal before the law, practically it is not the case. Practically English is the language of the Senate. Our debates are reported in the English language, and almost every French gentleman speaks in the English language. He has the right to speak in his own language, but he does not exercise that right. I think this unfortunate excitement which has had no reasonable ground for its being, had better be allowed to die out—that is, if we are to live together in this country for any length of time; and in order to help it to die out we must make allowances for those unreasonable people, and give them as little ground as possible for quarrelling. This clause embodies a sort of compromise which was reached after a great deal of discussion in another place. If we accept it, we give no ground for reopening the question. If we do not, it means that there will be another acrimonious discussion when the measure goes to another place, and we shall probably be kept here some considerable time waiting for that discussion to close. I feel satisfied, with respect to the North-West Legislature that, after the existing feeling, which is only a temporary excitement, subsides, if the French population of the western territories increases, and if the number of French members in the Legislature increases, within ten years, when this feeling will have blown over and reason will have resumed her sway, the Legislature will be quite prepared—if it is desirable or necessary—to introduce the use of the French language in their proceedings. We had better trust to their common sense and good-will; and do what we can to allay the feeling which unfortunately now exists in some parts of the country. I am happy to say that the Province from which I come is not disturbed by this question in the slightest degree. We have a considerable French population in Nova Scotia; but we have not had the slightest difficulty with them, and I suppose it is because Nova Scotia has always done what is reasonable by the French people. For instance, we have provided bi-lingual readers for the French schools; and the French people do not ask that the proceedings of the Legislature be translated into French. If this was a matter of any consequence I should unite most cordially with the hon. gentleman from Delanaudière; and when a matter of any consequence does come up the hon. gentleman will find plenty of members of all races and denominations in this House ready to support him; but I really do not think that this is an occasion when we should make a fight.

HON. MR. VIDAL—I propose to support the amendment of the leader of the House on this occasion. I cannot, however, refrain from making the remark that the hon. gentlemen from Delanaudière and St. Boniface have made their speeches under a misapprehension of the facts. Had it been that we were attempting to enact a law which would prohibit the use of French they could not have spoken more strongly. But there is nothing of the kind in the proposed legislation. There

is no disposition whatever to prevent the use of the French language, to drive it from the schools or prevent the people from learning it. The French language is admitted to be a splendid language—even English people are obliged to go to it to find a single word to express an idea that we could not express in less than half a dozen words in English. I do not think there is anything in the clause to warrant any feeling of this kind being manifested. We have no desire to annoy or to encroach upon the rights of our French fellow-citizens or to cast any slur or slight upon their language at all. It would be impossible for us, even if we wished to do such a thing, to lower the general estimate of the French language throughout the world. It stands on a pedestal, whence it cannot be displaced. It seems to me, however, that the people do not want French as an official language in the North-West. We are a practical people, and do not allow sentiment to interfere with anything that is required as a benefit to the country. In our Western Territories there is a growing population, who feel that they have not been quite properly treated by this Legislature in having the French language forced upon them. For my own part, while it may be expedient, and probably the only thing that can be done at present, to accept the proposed proviso and amendment which we have before us added to the section, I must honestly confess that my desire would have been to move in amendment to strike out the whole of the latter compulsory part of the clause, and leave it simply enacting either the English or French language may be used in the debates of the Assembly and before the courts. The fact is, the mistake was made by this Parliament when we undertook to say "You shall use the French language." There is where the mistake was. It was in forcing upon the people a language that they did not want.

HON. MR. POWER—The Act does not say "they shall."

HON. MR. VIDAL—It says "Both those languages shall be used, and the proceedings and records shall be printed in both languages." Surely that is positive enough, and that is the point where I find fault with our legislation undertaking to force upon the people a requirement of that nature. It should be left to themselves, as we propose now, and instead of putting it off to a future day I would prefer taking off the Statute-book an injunction which I consider has no right there. Still, it is possible that the proposed method may be a better way, more agreeable to those who are affected by it, and I do not wish to stand in the way of effecting a compromise, although I cannot see the propriety of insisting upon maintaining a condition of things which is not adapted to the circumstances of the people. As far as the necessity for dual language is concerned, I believe there is no disputing the fact that there are very few of those who use the French language in the North-West Territories and who are able to read and write, who do not read, write and speak the English language as freely as the French, so that they do not need that change. Then, if we admit the right of the people to have the proceedings carried on in their own tongue, it appears to me quite as proper to say that those proceedings should be published in the Cree language; for I am under the impression that there is more of the Cree language spoken there than French. On these grounds, therefore, there is no necessity whatever for imposing that requirement upon them, that they should use the French language, and I do not think that our French-speaking fellow citizens should feel so sore upon the matter, when there is no intention on our part to encroach upon their rights or privileges. My name indicates that my own forefathers were French or Spanish, and I must say that I have felt no great violence has been done to me in making me learn the English language and adopt English sentiments. While I do not think the French language should die out, still, in time it will be found that this is an English Dominion, and that the English language must be of necessity both the common and official language of the people. It is already noted that a large number of French Canadian people have moved over to the New England States, but we do not find any alterations of the language used in the records of legislative proceedings or in the courts in consequence. There is no official recognition of the French language there, and there is no necessity felt for it. We find in other places under British rule a great many people who speak a different language from the English, yet there never was any demand

to have their proceedings recorded in Scotch or German, or other tongue. It is found that people very naturally fall into the way of adopting what is the common language of the country.

It has been strongly asserted that French is the language of this country as much as English. I do not accept that proposition, nor do I accept the proposition that the hon. gentleman from Delanaudière has set before us, that the Treaty of Cession guaranteed the French language. It is erroneous to say that the maintenance of the French language formed a condition of the cession, and I do not think that any claim could be based on a statement of that kind. I know many English-speaking people that have just as great respect for the great men of the old Province of Quebec as for the great men of the other Provinces of the Dominion, and when we think of Wolfe and Montcalm, we are just as proud of one as we are of the other. We look upon them both as heroes and respect their memory equally. There exists no prejudice among English-speaking people against our French fellow citizens or their language. We have worked in harmony for many years—and I trust will continue to do so in future.

HON. MR. GIRARD—Allow me to thank the hon. gentleman for all the sympathy and good feeling he has expressed towards the people of the North-West; at the same time, there is certainly a difficulty in adopting the clause as it is. It seems to me that we have an acquired right. If it is an acquired right there is no petition before us coming from the people of the North-West asking for this change. The part of the clause to which I object is the proviso. I know very well that when the Council of the North-West will be constituted by the electors it will be the death blow of the French language in the North-West Legislature. The hon. gentleman from Sarnia suggests that the French lan-language is not much used in the North-West, and that the Cree language has a better right to be legally recognized. It is very true that the Cree language is spoken there, but it is not the language of the people. In all trading transactions the French is the language of the people. They speak Cree in some families, as in some families they speak Gaelic, but French is the language of the people, and there is no doubt that after the new election the French language will be abolished in the Legislature. All the business is transacted in the English language. We do not complain of it. We would not claim any more there than we do here in respect to our debates, which are published in English only. It would be right enough to ask for the publication of them in both languages, but we do not demand it; we wish to save the expense. At the same time, it would be but justice to the people of that country that no legislation should take place which would deprive them of the use of their language, as guaranteed to them by the Act which established the North-West Council.

HON. MR. BELLEROSE—I regret that I cannot be convinced by the arguments of those who have spoken on this amendment. I cannot be convinced, because I cannot admit the basis of their arguments. The hon. gentleman from Halifax makes a comparison between emigrants from Canada to the United States and settlers from Quebec in our North-West, but there is a difference between the two. When a man goes to a foreign country he must conform to the customs of the people with whom he has to live; but it is a different matter when a subject of Her Majesty in one part of the Dominion goes to settle in another part of Canada. The North-West Territories belong to the whole of the Provinces and the Federal Parliament has to make laws for them. As the Territories are the property of all the Provinces it follows that settlers from any of the older Provinces in that country have a right to the use of the language which was official in the Provinces from which they came. The hon. gentleman from Sarnia says that they do not recognize that right. I do not ask them to recognize it, but I have cited an English authority for saying that by the treaty of 1763 our nationality, our language and our institutions were guaranteed by the British Crown. Suppose the word "language" were not there, what difference would that make? So long as the word "nationality" is there it implies the right to use the language of that nationality.

HON. MR. VIDAL—Nobody proposes to interefere with your speaking it.

HON. MR. BELLEROSE — That is another argument, to which I will come

presently. I want to show that the arguments are not based on what is true. To make a comparison which is of any value there must be some common basis for it. The hon. gentleman from Sarnia says that there is no intention to prevent the people in this country speaking French, but if every day you encroach upon the rights of the minority who can predict how far those encroachments may go? If we accede to this to-day, we give you an excuse for going further to-morrow. Manitoba has recently legislated in this same direction. If we assent to this proviso it will give the Government of the day power to deal with the legislation of the Manitoba Legislature in the same way as they are now dealing with the question in the North-West. It is the same thing—the same Territories—only Manitoba has been erected into a Province. That, however, does not change the power of the Government, so that in dealing with this matter, which is said to be so very trifling, we are empowering the Government to give effect to a law of Manitoba which is not constitutional to-day. We will next be asked to amend the constitutional law, and recognize the right of the Manitoba Legislature to abolish the use of the French language in that Province. In such an important matter as this we should look at the consequences that are likely to ensue from what we are asked to do. If this proviso did not lead to other and more serious consequences, I would say that there was nothing extraordinary about it, because the population in the Territories is yet very small. But the principle is the same, and I should not be surprised, if we accede to these amendments to-day, to find in the near future that there will be other and more serious encroachments upon our rights. The hon. gentleman from Halifax spoke of his Province. If England had done with Lower Canada as it did with Acadia—banish all the French people in one night—they could have established English in Lower Canada forever; and we, like the poor Acadians, coming back a century later, would have to adapt ourselves to the conditions then existing. But England did not dare to do that with Lower Canada. The French population have remained there all this time, and have taken good care, even when England oppressed them, to conduct themselves in such a manner that their rights would be acknowledged, as they have been by England. Since they have been thus recognized, we want them to be maintained throughout this Dominion. Those who know anything about the history of this continent are aware that the whole of North America, except a small part of it, belonged to France at one time; the cession of the French territories to England was, therefore, the cession of the greater part of the continent. So that even in that far western country we have always possessed rights which I claim should not be taken from us. We have been true to the British flag. We have done our part. Even when we were ill-treated, we fought for England and refused to join the States. There is not a member of this House that is ignorant of those facts. Having done our duty as loyal citizens, are we to be rewarded by being deprived of our rights, and are we to be asked to accede to such a proposition? No; that cannot be done by any man who has a heart in his bosom. I know that some have done it: I suppose they were misled. If they had known our history they would have done better. Holding those views, I cannot accept the amendment. I protest against it, and I hope that the stand which I have taken will arouse my compatriots, who seem to be less patriotic than their fathers were half a century ago. They are asleep now, but perhaps at the next election they will be awakened to the fact that they have neglected their duty. If they are once aroused I have no doubt that they will now, near the close of the nineteenth century, follow the example of those who fought for the preservation of the rights which we now enjoy.

HON. MR. DEVER—I am exceedingly sorry to hear such language from a member of this House, because it will do a great deal of harm. If Canada is ever to become a great country we must discourage such feelings. Why the hon. gentleman brings up the question of the conquest of the French I cannot conceive, except it is to show the weakness of the French and the strength of the English. No man in this House would go further than I would to sustain our French fellow citizens in their rights. In fact, I would not hold a seat in this House if I thought that they would be insulted by the Senate. But there is no such feeling is this House. On the

contrary, there is a desire to place them on the same footing as those who speak English; but do they imagine that this country is to remain a French Province forever. It is perfectly futile. Every thinking man must see that the English race and the English language will dominate this Dominion. We know that the vast Territories of this country must be populated by immigrants. Where are those immigrants to come from? Surely not from France: and surely the Province of Quebec cannot imagine that it will monopolize all the unoccupied lands of this country. Our French friends, who are able, clever and thoughtful men, must see the necessity of meeting us on a fair level, and if they want to stand side by side with us they must expect to be equal with us by keeping pace with us, by keeping up with the necessities of a commercial people. It cannot be denied that the English language to-day is the language of commerce all the world over. It is true that French is the polite language, which we are all glad to have taught to our sons and daughters, but it is the language of the drawing-room rather than the language of commerce.

HON. MR. PELLETIER—Oh, no.

HON. MR. DEVER—Oh, yes. Who are the commercial men of the day? Who monopolize the commerce of the world? The English-speaking races. It is just as well that we should recognize this fact and end this continual bickering and fighting in this House. It is absurd to think of putting one race above another—it cannot be done. It should be recognized at once that if people get fair play and perfect equality in this country that is all that they should expect. I think the idea of having more than one language, and that the language of the majority, should be abandoned. For my part, I certainly would not allow myself to hold a seat here if I thought that my French fellow citizens would be injured in the slightest degree, either in their language or their religion; but nothing of that kind is thought of, and until it is thought of there is no necessity to raise the objections to which we have listened.

HON. MR. HAYTHORNE—I apprehend we are permitting this debate to diverge from the practical to the sentimental, but we must not lose sight of the fact that we are now providing for the first wants of new states in western Canada, and it certainly ought to be the first object of this House to avoid burdening those new communities with any unnecessary expense or complication in their legislative, in their judicial or other proceedings. For that reason, I should be disposed to adopt the proviso with the amendment of which the leader has given notice, but I declare to you that I would not take that course if I thought that the interests of those who speak the French language would thereby be injured in any way. If I thought they would I should vote with them. What I believe is this: That in the future, when a considerable number of French-speaking men, whether from Old France, or the Province of Quebec, or anywhere else, assemble in any one of the new Provinces in such numbers that they return French-speaking representatives to the Legislature, they have no reason to apprehend any unfair treatment, because the importance of a third party in the Legislature in any considerable number will certainly induce the majority to do everything in their power to attract their support. That very circumstance ought, in my opinion, to be sufficient to reassure the minds of our French colleagues that no attempt at either indignity to their language or encroachment on their privileges, or any such thing, would be likely to happen. If they can support a party in any of the western Canadian Legislatures in sufficient numbers to influence the carriage of any great measure, they might be quite sure that any such party would be only too glad of their support, and ready to use their influence in that Legislature to give due importance to their language and everything else they desire in that way. But I think it would be very unwise and unjust to saddle a new community, which is just rising up, taking its first step in political life, with any of the unnecessary expense or complication which would be involved in using two languages in the Legislature, and publishing all the public documents in two languages at an early period in their existence, when it is important to them to economize their resources in every possible way. As for Old France, I do not believe we are likely to receive large numbers of immigrants from there, because it is well known that

the population of France is rather declining, if anything. Some say it is stationary; others, that it is declining. Under these circumstances, it is not likely that any large influx of settlers will take place from Old France; and if, as I suggest, in any of the Territories the French race should settle in considerable numbers and become a power in the Province, they may be perfectly certain that their interests will be immediately taken into consideration, and their views adopted in that Province.

The amendment was declared carried on a division, and the clause, as amended, was adopted.

On clause 34,—

HON. MR. GIRARD—When the Act was passed there was to be no sale of liquor in the North-West. Some modifications have been made since then—such, for instance, as permitting the beer trade, and abuses have arisen under that. At all events, that clause has been a protection for a great number of people who went there to avoid the temptation of liquor, and I am personally aware of the fact that many families have benefited by that legislation. My expectation was that in the course of time we would make those Territories a sort of refuge, where people addicted to drinking would go to reform, so that they might return to their families better men. I am afraid that under the latter part of this clause, before many years liquor will be sold in the Territories as it is in other parts of Canada. Under existing laws a stranger arriving in the country is not subjected to temptation by having liquor procurable, and I protest with all my strength against this clause, which is contrary to the true interest of the people of the North-West, and especially of those who have gone there to escape from the temptation of liquor.

HON. MR. LOUGHEED—I would like to know in what way it is contemplated to obtain an expression of opinion under clause 34 from the people of the North-West. No provision is made, no machinery provided, for obtaining an expression of opinion on the liquor question. In the first place, there is no provision made for the manner in which the expression of opinion of the people is to be obtained; and, in the second place, if obtained, there is no way of carrying that expression of opinion into operation. At the next election no doubt this question will be one of the planks of those seeking election, and the opinion of the people should be expressed through their duly elected representatives. I think, therefore, the clause should be amended to read that the people, through their representatives, shall have an opportunity to express an opinion on the liquor question.

HON. MR. ABBOTT—It is not consistent with the principles of our constitution to have a plebiscite. The way in which popular opinion is expressed is by the election of a set of men who profess certain opinions in opposition to another set of men who profess opposing opinions. If a majority of the people of the North-West approve of the existing prohibitory law they will elect a majority of representatives who favor that view. I do not know anything that could be more formal and decisive than that.

HON. MR. LOUGHEED—Why not so express it?

HON. MR. ABBOTT—It is the decision of the people themselves that is wanted, as expressed at the polls, by returning a majority of men who either oppose or favor the liquor law. If the people return a majority in favor of the law that will be the test of their desire in the matter. I do not think any machinery is neded.

HON. MR. LOUGHEED—I did not contemplate the providing of any elaborate machinery, except the mention of the fact that it should be through that particular channel. I would suggest again that should the Assembly pronounce in favor of the abolition of those prohibitory laws it should be provided that on an expression of opinion by the Legislature to that affect, the Governor General should repeal the prohibitory clause. Otherwise, we should have to wait until a subsequent session of the Parliament of Canada before the necessary legislation could be obtained.

HON. MR. ABBOTT—By the constitution which we now give them they will have entire control over all licenses. This clause simply prevents them using that power until they have an expression of opinion from the people. I will look at the clause carefully, to see if it requires anything further to make it clear.

The clause was adopted.

HON. MR. GIRARD—Before the committee rises I wish to refer to the amendment of which I have given notice, proposing a change in the division of the new electoral districts. That vast part of the Dominion is divided into a number of districts, some of which elect one member each and others two members. I am desirous of having justice done to a portion of the population in that country who are good citizens. In the Assembly there are 22 members, not one of whom is a French Half-breed. That is unfortunate, and I hope that the Bill will be amended in such a way as to give them at least one member. It would enable the Council to learn the needs and position of an interesting part of the population of the country. I should like to read a letter addressed by one of the principal men of Edmonton to the Speaker of the House of Commons on the subject. It will explain the position of those people a great deal better that I can. It is a long letter, and is written in French. The following is a translation of portion of it:—

"THE DIVISION OF ELECTORAL DISTRICTS.

"We are not represented. This complaint was made and formulated by the electors of St. Albert in the winter of 1888, when the Legislature of the North-West, by petition to the Governor General in Council, demanded his sanction to a project of re-uniting the electoral division of St. Albert and Edmonton. The following is a brief history of that innovation, and I leave you to judge of the motives by the results which it has produced. Up to the Session of 1887 of the Legislative Assembly, St. Albert formed a distinct electoral division, represented then by Mr. Samuel Cunningham, a Catholic Half-breed of St. Albert. At the sitting of the 19th November, Session of 1887 (see pages 73, 74, 75, 76 and 77 of the Journals of the Assembly for the Session of 1887), the Assembly, previously formed into Committee of the Whole to prepare the desired changes or projects, made a report. An extraordinary thing in that report was that it attacked, above all, divisions where formerly Catholic representatives had been elected. With respect to St. Albert alone, they dismembered the division by annexing all the Half-breed settlements of the Battle River to the Red Deer division, while they included the rest with Edmonton and gave to that great country two representatives. The election of June, 1888, arrived, and the results of the vote proved that our fears were only too well founded. The Catholics of St. Albert were not only left without representation, but our friends, the Protestants, became stronger by sending, in consequence of the change, two representatives. You have not forgotten that while the Governor General in Council asked to sanction this change in the divisions, we petitioned and protested against it, but without success. Since, at present, you wish to interest yourself in us, we ask you at once to exert yourself to re-establish the electoral division of St. Albert; and we ask, to meet the views of the Catholic population that district, that the division shall comprise all that part of Alberta having the following boundaries, viz.: that it be bounded on the north by the northern limit of Alberta, on the east by the 11th Range, inclusive, to Township 66, inclusive, on the west of the Fourth Meridian; of the part of Township 66, inclusive, in Ranges 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, west of the Fourth Meridian; towards the south by the 21st Range, inclusive, west of the Fourth Meridian, to the waters of the North Saskatchewan; towards the south-west by the said North Saskatchewan River to the south-east corner, inclusive, of Section 4, Township 54, Range 23, west of the Fouth Meridian; to the south from the division of the waters of the said North Saskatchewan by Township 54, inclusive, in Ranges 23 and 24, west of the Fourth Meridian; of a part of Sections 13, 14, 15, 16, 17 and 18, inclusive, of Township 53, in Ranges 25, 26 and 27, west of the Fourth Meridian, of a part of Township 54, inclusive, in Ranges 1, 2, 3, 4, 5 and 6, west of the Fifth Meridian; to the west, a part of Township 54, inclusive, by the 6th Range, inclusive, west of the Fifth Meridian, to the undermentioned limit of North Alberta.

"I send you a topographical map, on which you will see a line in red ink, which will enable you to understand more easily the boundaries which are herein described. In these limits are comprised St. Albert, Lake St. Ann, Fort Saskatchewan (on the north side of the River Saskatchewan), the settlement of Sturgeon River and Lac la Biche, which are, next to the village of Edmonton, the most important centres of the north. The settlement of Sturgeon River is composed in great part of English and Scotch Protestants, who may possibly prefer to be in the Edmonton district; but as you will see by the map, in order to acquire Fort Saskatchewan we must include them. On the other hand, it is well that we should have amongst us some English and Protestant citizens, with whom we live, thank God, on the best terms in the world. Edmonton will have, on its side, the French Canadians and Half-breeds of the Battle River settlement and of Edmonton. Our population has considerably increased since 1887, and I have no doubt that a district, as above projected, will contain at the next elections a population of nearly 800 voters, of whom at least three-quarters are Catholic. You see that it is just that they should reckon a little with us. It is needless to say to you that Bishop Grandin and the principal citizens of this place, to whom I have submitted the project, approve of it in its entirety. The bishop, besides, ought to write to you himself on the subject."

We are not represented. In the session of the Legislative Assembly in 1887 St. Albert was formed into an electoral division represented then by a gentleman named Cunningham, a Catholic, of St. Albert. I have read to the House the opinions expressed by a correspondent from that section of the country. The reason I read this letter is to call the attention of this honorable House to the subject, and to let them understand that there is at the present time a considerable population in that district, which is rapidly increasing, and contributing to the greatness, progress and prosperity of the Dominion. The following are the divisions that are suggested:

"35. Sections 15, 16, 17, 18 and 19 of the schedule of the said amending Act are hereby repealed, and the following substituted therefor:—

"15. The electoral district of St. Albert shall consist of that portion of the provisional district of Alberta

bounded on the north by the northern boundary of the said provisional district of Alberta, thence on the east by a line between ranges ten and eleven, west of the Fourth Initial Meridian in the Dominion lands system of survey, from said northern boundary of the provisional district of Alberta, to the line between townships sixty-five and sixty-six; thence westerly following the line between said townships sixty-five and sixty-six to the intersection of the line between twenty and twenty-first ranges, west of the Fourth Initial Meridian; thence southerly following the line between ranges twenty and twenty-one, west of the said Fourth Initial Meridian, to the point where the north branch of the Saskatchewan River crosses that line; thence in a south-westerly direction, following the course of said north branch of the Saskatchewan River to a point where it intersects the line between twnships fifty-three and fifty-four; thence westerly following the line between townships fifty-three and fifty-four to the line between ranges twenty-four and twenty-five, west of the Fourth Initial Meridian; thence southerly to the intersection of the line between townships fifty-two and fifty-three; thence westerly from said line between ranges twenty-four and twenty-five, west of the Fourth Initial Meridian, to the Fifth Initial Meridian; thence northerly following the line of the Fifth Initial Meridian to the line between townships fifty-three and fifty-four; thence westerly from the said Fifth Initial Meridian following the line between townships fifty-three and fifty-four to the intersection of the line between ranges six and seven, west of the Fifth Initial Meridian; thence northerly from the latter point by the line between ranges six and seven, west of the Fifth Initial Meridian to the northern boundary of the provisional district of Saskatchewan—and such electoral district shall return one member.

"16. The electoral district of Edmonton shall consist of that portion of the provisional district of Alberta bounded on the north by the northern boundary of the said provisional district, and on the south by the twelfth correction line in the Dominion lands system of survey, excepting that portion of the said provisional district before described as the electoral district of St. Albert—and such electoral district of Edmonton shall return one member.

17. The electoral district of Batoche shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the line between ranges eleven and twelve, west of the Third Initial Meridian in the Dominion lands system of survey, on the north by the northern boundary of the provisional district of Saskatchewan, on the south by the southern boundary of the same provisional district, and on the east by the Third Initial Meridian, from the northern boundary of the said provisional district of Saskatchewan to a southerly point where the southern branch of the Saskatchewan River crosses said Third Initial Meridian; thence after following eastwardly said south branch of Saskatchewan River, from the point of intersection of said southern branch of said Saskatchewan River, the line between ranges twenty-six and twenty-seven, west of the Second Initial Meridian, to the southern boundary of the said provisional district of Saskatchewan—and such electoral district shall return one member.

"18. The electoral district of Prince Albert shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the eastern boundary of the electoral district of Batoche, on the north by the northern boundary of the provisional district of Saskatchewan, on the south by the line between townships forty-seven and forty-eight, from the eastern boundary of said electoral district of Batoche to the eastern boundary of the aforesaid provisional district of Saskatchewan, and on the east by the eastern boundary of the provisional district of Saskatchewan—and such electoral district shall return two members.

"19. The electoral district of Kiniston shall consist of all that portion of the provisional district of Saskatchewan lying to east of the eastern boundary of the electoral district of Batoche, and bounded on the south by the southern boundary of the electoral district of Prince Albert before described, and such electoral district shall return one member."

Hon. gentlemen will find in the Statute-book that the electoral district of Edmonton has a right to elect two members. What I ask now is a division of that district into two, in such a way that it will, as much as possible, keep the people together. Such a division would afford representation for the Roman Catholics, French, Irish and Half-breeds, and elections would be conducted with more harmony. Then, in the division of Batoche the proposition is to take a part of the district and form another district, in such a way as to afford the same privileges. There would be only two divisions in it, and each division would have a chance of electing a member sympathising in religion and nationality with the majority of the electors. It would be satisfactory to have the divisions as I suggest them here, and I am sure it will not be necessary for me to go any further than to ask the leader of the House what the Government have decided to do for that portion of the country?

Hon. Mr. ABBOTT—My hon. friend spoke to me on the subject of this proposed change in the boundaries of some constituencies in the North-West, and more particularly as to the point in which he and his friends are particularly interested—that is, the division of Edmonton into two districts. At present Edmonton is a large district and sends two members, but the vote is taken indiscriminately for the two; and the proposal is to divide it, so that there should be two separate districts. That proposition appeared to me and to my colleagues to be reasonable; but it appears that the division which was made and which was in force was made after consultation with the members of the North-West Council, and very considerable discussion took place with them at the time the change was made. It was therefore thought expedient to have the matter referred to such public men in that neighborhood as could be reached by telegraph, and the Minister of the Interior was deputed to ascertain their views. He tele-

graphed, and received communications strongly protesting against the proposed division—some protesting against it altogether, others taking the ground that if there was a change made there ought at least to be three members for the constituency, and that would involve an additional member to the North-West Council, and perhaps more for other districts, in order to equalize the representation. All of those who communicated with us protested against the change without consultation with the people, on whose advice it had been made; and it was apparent that any change made without such consultation would be exceedingly unpopular, and would be unfavorably received by the people. And we were finally obliged to give up the idea of going any further with the matter this Session. With every desire to meet the hon. gentleman's views in respect to Edmonton, we felt we could not reasonably do so without giving just offence to those who had been consulted about the distribution of these districts in the first place, and on whose advice we had acted in distributing them before.

HON. MR. MASSON—I would ask the leader of the House if the Government, in making those enquiries, informed themselves generally from those who might have held the opinions expressed by the hon. gentleman from St. Boniface, or were they all one-sided opinions? Is the leader of the opinion, after the consultation that he had, that it is almost the unanimous opinion of the people that the constituencies should remain as they are? He could only have obtained full information by enquiring of people on both sides of the question, but it appears to me that he only consulted persons who want things to remain as they are.

HON. MR. ABBOTT—I cannot say who the gentlemen were who were questioned by the Minister of the Interior. He was asked to make enquiry, and did so. He received telegrams from different people, and received different answers. Some desired to make the change by a larger division; some desired to make no change at all; and all agreed that no change should be made without first consulting those people on whose advice the division was first made. I am satisfied that the Minister of the Interior did his best to find out in the short space of time he had—for it was only within the last ten days that we were informed of this movement—what the views of the people were.

HON. MR. GIRARD—It may be that the Minister has only consulted persons on one side of the question, because I have here the opinion of Mr. Prieur, an advocate, of Edmonton, who wrote a long letter to the Speaker of the Commons, who was very popular amongst the people in the North-West in consequence of the course he followed in the difficulties in 1885, while on duty up there. I have got that letter, and all that Mr. Prieur wrote in it was written after consulting the people of Edmonton at a public meeting. I have at the same time a letter from Bishop Grandin, the bishop of St. Albert, on the question, and they all agree. The fact is well established that there must be something wrong somewhere, because there is no one in the Council representing the Half-breed party—the Catholic party. The bishop, in his letter, speaks of four as not being too great a representation if the division was a right one. I do not understand how it is, but it seems to me that if it is in our power to adopt some provision by which justice may be rendered to the minority we should do it. Every one has a right to be represented in the councils of the nation, and if by the division that has been made an injustice is done to any part of the people, then it is the duty of the Government to correct the error if they are assured that an error has been made. I dare say that the Minister of the Interior has made a correct report of what he saw on his visit, but I am sure that he has not been in communication with the Half-breeds and Catholics of the North-West. There is now a conflict between the English-speaking population and the French population of those districts, I am sorry to say, although generally speaking they have lived on good terms with each other; but I fear that the hon. gentleman has received his information from one party. However, I do not think the information he has obtained is reliable. For my part, I rely on the statement of Bishop Grandin and the French people of the country as much as on any of the representations made to the hon. gentleman.

HON. MR. LOUGHEED—As this subject somewhat touches upon the district of country from which I come, I may say that I have been in communication with prominent men in that district, and they all object strongly to any such proposition as that of the hon. gentleman from St. Boniface. The consensus of opinion in that district amongst the leaders of the people I know to be opposed to any such change. I think the principle enunciated by the hon. gentleman is entirely wrong and should not be adopted by this Chamber. The idea of carving out a constituency for the avowed purpose of electing a person of a particular nationality or creed to send to the Local Assembly is a principle which, I think, should not be entertained. I think the entering into the consideration of such a principle is extremely dangerous. Furthermore, I have had communication with parties there who are representative men, and they protest strongly against it. A degree of dissatisfaction exists on the principle of the Federal Government carving out districts for the North-West. The feeling is that they themselves should have control of this division of electoral districts, and such action as that proposed by the hon. gentleman from St. Boniface would be provocative of mischief and dissatisfaction.

HON. MR. GIRARD—I intended to propose a division of the district of Edmonton into two—one known as the electoral district of St. Albert and the other as the electoral district of Edmonton—with a member for each electoral district.

HON. MR. DEVER—Does not the hon. gentleman see that this is a grave reflection on his own representatives in the Cabinet. There are three French gentlemen in the Cabinet, and there are other gentlemen who would not stand idly by and see French interests neglected. That being the case, and seeing that the Bill was prepared by the Government, I do not think any hon. gentleman should set up his opinion against the opinion of those who represent him in the Cabinet.

HON. MR. GIRARD—I move that the electoral districts of the North West-Territory be in accordance with the lists I have submitted to the House.

HON. MR. ABBOTT—I propose to ask the committee to sit again to-morrow, as there are three or four clauses which have to stand, and I would suggest to my hon. friend to have his amendment prepared and move it in committee to-morrow.

HON. MR. READ, from the committee, reported that they had made some progress, and asked leave to sit again, to-morrow.

The report was adopted.

THE COMBINES BILL.

SECOND READING.

HON. MR. McCALLUM moved the second reading of Bill (77) "An Act to amend the Act for the prevention and suppression of Combinations formed in restrain of trade."

He said: This is a Bill to amend the Act passed through this House last year, and I do not wish to make any remarks on it; but I desire that it should be given a stage now, and refer it to committee, where it can be discussed in detail.

HON. MR. KAULBACH—Is this the same Bill that was up here last Session and was thrown out by this House? If it is, I do not think we should admit the principle of the Bill by allowing it to be read the second time without debate.

HON. MR. McCALLUM—There will be plenty of opportunity for gentlemen to speak on this Bill. There are deputations coming from the east and west who are interested in it, and it is not desirable to keep them waiting when they do come, and I propose to refer it to the Committee on Banking and Commerce.

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

BILL INTRODUCED.

Bill (136) "An Act further to amend the Revised Statutes, Chapter 5, respecting the Electoral Franchise." (Mr. Abbott.)

The Senate adjourned at 11 p.m.

THE SENATE.

Ottawa, Tuesday, April 29th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and Routine Proceedings.

RECKONING OF TIME BILL.

WITHDRAWN.

HON. MR. DICKEY, from the Commitee on Railways Telegraphs and Harbors, reported Bill (Y) "An Act respecting the Reckoning of Time," with a recommendation that owing to the late period of this session the Senator having charge of the Bill be allowed to withdraw it.

HON. MR. MACINNES (Burlington)—With the permission of the House, I should like to offer a few observations on the Bill. Although this measure only seeks to establish the practice which has been in existence since 1883, yet the subject of standard time is a new one—its discussion is new, and I think it is a very important subject, and that the discussion of it will tend to do good. The mode of reckoning time is uniform over a very wide area. The old mode varied with every few miles of longitude. For example, in the Province of Ontario the old reckoning differed from the new 10 minutes at Kingston, 18 minutes at Toronto, 24 minutes at London and 32 minutes at Windsor. Every one will admit that it would be exceedingly inconvenient to return to the old mode of reckoning time. The establishment of long lines of railway and telegraphs created new conditions in the matter of time reckoning, and it became imperatively necessary to supersede the complicated variety of local time reckoning. Efforts commenced to be made fourteen years ago to meet the new requirements of the age in the matter of time reckoning. International gatherings took place, which culminated in the conference held at Washington in 1884. I will take the liberty of reading a few extracts from a memorandum concerning that conference. It is as follows:—

"This conference was held at Washington in 1884, at which the following nations were represented, by in some cases two, three or four delegates duly appointed:

Austria-Hungary,	Japan,
Brazil,	Siberia,
Chili,	Mexico,
Columbia,	The Netherlands,
Costa Rica,	Paraguay,
France,	Russia,
Germany,	San Domingo,
Great Britain,	Turkey,
Guatemala,	Venezuela,
Hawaii,	The United States,
Italy,	San Salvador.

"The conference deliberated for a month, and with great unanimity, passed resolutions recommending the leading principle upon which a common time-reckoning for the whole world is based.

"WHAT IS STANDARD TIME.

"The system of reckoning time which came into use in Canada and the United States six years ago has been designated Standard Time. It is in complete harmony with the resolutions of the Washington conference. The initial standard is the meridian passing through the observatory at Greenwich and the reckoning is practically the same as civil time at Greenwich. To-day the pendulum everywhere in Canada beats with the pendulum in Great Britain, the minutes are simultaneous. When the clock of the Astronomer Royal at Greenwich strikes an hour, every well regulated clock on this side of the Atlantic strikes at the same moment. There is but one exception to complete agreement, and that is in the numbers by which the hours are distinguished.

"HOW ARE THE HOURS NUMBERED.

"The meridians which are the mulitiple of 15 degrees from the Greenwhich meridian are selected as sub-standards for our meridian. By these sub-standards the hours are numbered as following:—

Hour Meridian.			
60 degrees W.	deduct from Greenwich time		4 hours
75 degrees W.	"	"	5 hours
90 degrees W.	"	"	6 hours
105 degrees W.	"	"	7 hours
120 degrees W.	"	"	8 hours

"By the simple expedient the number of the hours by the new reckoning approximate the numbers with which habit has familiarized our mind, and thus without any apparent great departure from old usages the whole community has accepted the new system. There must necessarily be an arbitrary time between districts using a common number; this line may be midway or indeed anywhere between the hour meridian. The principle of the system is in no way affected by the position of the dividing line. It has been found convenient in most places in Canada and the United States to adopt geographical boundaries, such as the boundaries of States or Provinces as the limits of hour districts.

"The Bill before Parliament defines the hour districts by Provinces, and clause 5 provides for any changes in this respect which the people may desire.

HON. MR. KAULBACH—I rise to a question of order. There is no motion before the House which has entitled the hon. gentleman to read such a lengthy statement as he is making before the House. The committee have reported on the Bill, and there is no motion respecting it. I would not have risen to a point of order had it not been for the fact that the other day I thought the hon. gentleman's remarks were not only inaccurate, but very vague. I rose to ask a question of some other hon. gentleman, and I was stopped by the order of the House, saying that I had spoken before. I gave the hon.

gentleman from Burlington notice then, that when he would violate the rule of this House in this way again I would call him to order.

HON. MR. VIDAL—It is a common practice in this House to introduce a motion by a few remarks. The hon. gentleman said he would introduce his motion for the adoption of the report by a few remarks.

THE SPEAKER—The chairman of the committee reported that the hon. gentleman have leave to withdraw his Bill, and I understood when the hon. gentleman from Burlington got up that he was about to move that the House concur in the report of the committee.

HON. MR. MACINNES (Burlington)—I would be very sorry indeed to do anything contrary to the rules of the House, or that would be unbecoming to the dignity of this House, or anything that is due to myself. The hon. gentleman I hope will be equally careful of his conduct in this House. I simply ask permission of the House to make a few remarks before withdrawing the Bill, and I also ask permission to read from a memorandum a short extract which is placed in my hand. If that is against the rules of the House, of course I must submit and sit down; but it appears to me that it is not contrary to our rules. It is in accordance with the common practice of the House to read extracts from a paper. This is a complicated subject, and I thought a few well considered remarks by a gentleman who has made a study of the question would convey to the House a much better idea of it, and in much more terse language, than I, or perhaps any other gentleman in this Chamber, could command, and I do not think there is anything out of the way in what I have done. I am doing it really for the sake of conveying information, not only to the House, but to myself as well. I think it is very desirable that the information concerning this important subject should be disseminated as much as possible. I would just like to finish the extract which I began to read when the hon. gentleman interrupted me. The Bill before the House defines the hour districts of Provinces, but there is a clause in the Bill which provides for any change in these districts which the people may require. The memo. continues:—

"Thus we have throughout Canada to-day one reckoning of time, that determined at the observatory at Greenwich, in common use. It has been brought about by a silent revolution and has been effected purely in the interest of the whole community."

Owing to the late period of the Session, and to give hon. gentlemen more time for the consideration of this important Bill with a view to its introduction next Session, I ask permission to withdraw it. I, therefore, move that the report of the Committee be concurred in.

The motion was agreed to.

HON. MR. MACINNES (Burlington)—In pursuance of the recommendation of the report, I beg leave to withdraw the Bill.

The Bill was withdrawn.

RAILWAYS BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (Z) "An Act respecting Railways," with certain amendments.

He said: The first amendment is to strike out the sub-section *s* of the first clause of the Bill and substitute another in its place, which is reported. The first clause gave uurestricted power to railway companies to acquire and sell and dispose of lands. This was thought to be too general, and put it in the power of railway Companies to speculate in lands, but the amended clause restricts this power entirely to lands acquired from the Government in the way of subsidies. The two clauses that are struck out, clauses 2 and 3, relate to the subject of fire guards upon which it was thought by the promoter of the Bill and the leader of the Government that it was desirous to get further information from countries in which laws on the subject existed before legislating on it here. These are the only amendments to the Bill, and I see no objection to them at all. On the contrary I think they remove all the objection that could have been taken to the Bill.

HON. MR. ABBOTT moved that the report be concurred in.

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

NORTH-WEST TERRITORIES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (V) "An Act to amend the Act respecting the North-West Territories."

(In the Committee.)

HON. MR. ABBOTT said: There were certain points to which my attention was specially directed yesterday, with which I propose to deal to-day. Clause 12 of the Bill was not one of the clauses reserved, but it was one respecting which I promised my hon. friend from Calgary that I would make some enquiry, and I think that the House is indebted to him for the suggestion be made, as it appears that the clause is not exactly what was intended. Sections 36 to 40 which are repealed by this Bill, are sections applicable to the rights of married women, and as my hon. friend remarked yesterday, if those sections were repealed now there would be no provisions with respect to the rights of married women until the Assembly should make the requisite laws. The most convenient mode of meeting that difficulty obviously would be to leave the laws in force, and to give the Local Assembly power to repeal them, and that is the course which I have determined to propose to the House. I intend to do it in the first place by asking the House to strike out clause 12 of the Bill altogether. I, therefore, move that clause 12 be struck out.

The motion was agreed to.

HON. MR. ABBOTT—Towards the end of the Bill I shall ask the House to put in a clause which I can see will furnish the desired remedy. In clause 20, in re-copying the section, the words "of six" were left out. The provisions respecting juries which we all thought existed, would not have applied to this particular case, and it was intended as is necessary in order to make the law consistent, that there should be a jury of six as in the former Act. I, therefore, move that the words "of six" be inserted after "jury" in the 23rd line of clause 20.

The motion was agreed to.

HON. MR. ABBOTT—The next clause which was reserved for our consideration yesterday is the 25th—the clause which enables the magistrate to send an offender to the custody of the North-West Mounted Police Force, and the Police guard-house is made a substitute for a penitentiary or place of confinement. My hon. friend from Calgary suggested that there were cases where this would create considerable hardship, inasmuch as there are some municipalities which have no lock-up; and he suggested that some arrangement might be made by the municipality with the Government for the maintenance of the prisoner while under conviction, the cost of maintenance being really the main objection to extending this law to persons convicted of municipal offences. That suggestion has been accepted by us, and I propose to add to section 79, as included in clause 25, these words:—

"Page 7, line 17.—After "law" insert "But if any Municipality shall make arrangements with the Commissioner of the Mounted Police for the maintenance of persons convicted of a breach of any By-law of such Municipality during the period of their sentence, the provisions of this section shall thereafter apply to such persons in like manner as to other offenders."

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

HON. MR. ABBOTT—In clause 26, section 81 is the section to which our attention was directed yesterday. That is provided for by the Summary Convictions Act, and is, therefore, no longer necessary in the Act, so I move that clause 26 be adopted.

The motion was agreed to.

HON. MR. ABBOTT—The amendment which I will now propose applies not only to these sections which have regard to the rights of married women, but also to the objection which my hon. friend from Calgary made yesterday, that it was not sufficiently clear in what way, or by what process, the Legislative Assembly was to exercise the powers with regard to intoxicating liquors, with which it might be vested by the fact that the people gave their verdict in favor of a change. I propose to put as a preamble or sort of preliminary clause to the 34th clause the following, which embodies all that is needed, not only with reference to the rights of married women, but also with reference to the subject of intoxicating liquors:—

"34. No change shall be made by the Legislative Assembly in the existing law as to intoxicating liquors in the Territories, nor shall any such legislation

as is provided in this Act in relation to the granting of licenses for the sale of intoxicating liquors, or to the importation, manufacture, possession, barter, sale or disposal thereof, be passed, until the dissolution of the present Legislative Assembly has afforded the inhabitants of the Territories an opportunity to express their opinion as to the nature of the legislation on this subject which shall thereafter have effect."

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

HON. MR. GIRARD—I called attention yesterday to the electoral districts of the North-West, with the intention of endeavoring to have some amendments made to the divisions created by the statute of 1888. There is certainly an injustice somewhere. There is no representative for an important section of the people living in that country. Of the 22 members of the North-West Council there is not a representative of the French or Half-breed element. We think that there is an opportunity now presented to create a district which will return a representative of the French and Half-breed element. I consider it a simple matter of justice to that population and at the same time it would put an end to trouble and divisions which exist there. The English party who have control of public affairs must necessarily wish for some such modification. It would put an end to a great deal of uneasiness and anxiety, and complaints which we think do not receive justice.

The time has arrived when the Government should delay no longer in doing justice to the Half-breeds of the Territories. I have here a map showing the divisions which I propose and which, if not an improvement, will at all events make no great difference in the existing divisions. The only change that we ask for is in one place where two members are elected for one district. We want to have that district divided, the northern portion to be known hereafter as the St. Albert electoral district and the other to continue to be known as the Edmonton district. At the same time, I would ask as a favor to have a division made of the electoral district of Batoche, by adding two ranges to it, which would give the French and Half-breed population a chance to elect a representative of their own. I claim this as a right, and at the same time I would direct the attention of the House to the false position in which those people stand, a position which cannot be maintained, because there is uneasiness and dissatisfaction, and where such feelings prevail there can be no progress. If the committee do not approve of everything that I propose in this amendment, they can at all events grant part of it, and it is better that justice should be rendered to these people here, where there is no bitter feeling, such as often exists in another place. Here we are calm, and always disposed to do justice to those who seek it. I move that the following be added to the Bill:—

"35. Sections, 15, 16, 18 and 19 of the schedule of the said amended Act are hereby repealed, and the following substituted therefor:—"

"15. The electoral district of St. Albert shall consist of that portion of the provisional district of Alberta bounded on the north by the northern boundary of the said provisional district of Alberta, thence on the east by a line between ranges ten and eleven, west of the Fourth Initial Meridian, in the Dominion Lands system of survey, from said northern boundary of the provisional district of Alberta to the line between townships sixty-five and sixty-six; thence westerly, following the line between said townships sixty-five and sixty-six to the intersection of the line between twenty and twenty-first ranges, west of the Fourth Initial Meridian; thence southerly, following the line between ranges twenty and twenty-one, west of the said Fourth Initial Meridian to the point where the north branch of the Saskatchewan River crosses that line; thence in a south-westerly direction, following the course of the said north branch of the Saskatchewan River, to a point where it intersects the line between townships fifty-three and fifty-four; thence westerly following the line between townships fifty-three and fifty-four, to the line between ranges twenty-four and twenty-five, west of the Fourth Initial Meridian; thence southerly, to the intersection of the line between townships fifty-two and fifty-three; thence westerly, from said line between ranges twenty-four and twenty-five, west of the Fourth Initial Meridian, to the Fifth Initial Meridian; thence northerly, following the line of the Fifth Initial Meridian, to the line between townships fifty-three and fifty-four; thence westerly, from the said Fifth Initial Meridian following the line between townships fifty-three and fifty-four, to the intersection of the line between ranges six and seven, west of the Fifth Initial Meridian; thence northerly, from the latter point by the line between ranges six and seven, west of the Fifth Initial Meridian, to the northern boundary of the provisional district of Saskatchewan,—and such electoral district shall return one member."

"16. The electoral district of Edmonton shall consist of that portion of the provisional district of Alberta bounded on the north by the northern boundary of the said provisional district and on the south by the Twelfth Correction Line in the Dominion Lands system of survey, excepting that portion of the said provisional district before described as the electoral district of St. Alberta—and such electoral district of Edmonton shall return one member."

"17. The electoral district of Batoche shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the line between ranges eleven and twelve, west of the Third Initial Meridian in the Dominion Lands system of survey, on the north by the northern boundary of the provisional district of Saskatchewan, on the south by the southern boundary of the same provisional district, and on the east by the Third Initial Meridian

from the northern boundary of the said provicional district of Saskachewan to a southerly point where the southern branch of the Saskatchewan River crosses said Third Initial Meridian; thence after following eastwardly said south branch of Saskatchewan River, from the point of intersection of said southern branch of the Saskatchewan River, the line between ranges twenty-six and twenty-seven, west of the Second Initial Meridian, to the southern boundary of the said provisional district of Saskatchewan—and such electoral district shall return one member."

"18. The electoral district of Prince Albert shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the eastern boundary of the electoral district of Batoche, on the north by the northern boundary of the provisional district of Saskatchewan, on the south by the line between townships forty-seven and forty-eight, from the eastern boundary of said electoral district of Batoche to the eastern boundary of the aforesaid provisional district of Saskatchewan, and on the east by the eastern boundary of the provisional district of Saskatchewan,—and such electoral district shall return two members."

"19. The electoral district of Kinistino shall consist of that portion of the provisional district of Saskatchewan lying to east of the eastern boundary of the electoral district of Batoche, and bounded on the south by the southern boundary of the electoral district of Prince Albert before described, and such electoral district shall return one member."

I think that with these changes it will render justice to a portion of the people who are suffering greatly. It is not necessary for me to call the attention of this House again to the division proposed. It is a question of justice, and I think I may leave it in your hands, assured in advance that the people of that part of the North-West would receive that justice to which they are entitled.

HON. MR. KAULBACH—I sympathize with my hon. friend in his laudable efforts for his race and nationality in the North-West, but I must say that I consider it a vicious principle to introduce here if we adopt the principle of carving out constitutencies in the North-West to suit the interest of any creed or nationality. Besides that, I think it would be rather hasty for us to make this sub-division for that country in the manner the hon. gentleman now proposes. Further information is necessary from the North-West Council with regard to this matter. We do not generally ask Provinces for information in dividing up constitutencies, but more information on this matter should be obtained. The hon. gentleman lives a thousand miles away from the district which he proposes to divide, and we have two gentlemen from those districts in the House who have given their attention to the subject and I shall be guided largely by their views on the matter, whether this carving up of constitutencies in order to give votes to a creed or nationality is wise, and whether it could be done under the principle on which we sub-divided the North West-Territories for electoral purposes.

HON. MR. PERLEY—I made up my mind yesterday that, as far as possible, I would refrain from having anything to say on the subject introduced by the hon. gentleman who opened the debate on this question, and the hon. gentleman from St. Boniface. I can assure the House that there is no hon. member in this Chamber that I would be more loath to take a stand against than my hon. friend from St. Boniface, because I respect his opinions, and it is only under a sense of duty that I now rise to express my own on this subject. He demands justice for the French in the North-West. I say, hon. gentlemen, there is no part of the British Empire where there is more justice done to the French and to the Roman Catholic portion of the population than in the North-West Territories. We have one French judge, and an Irish Roman Catholic judge out of five; so that one-half of the judiciary of the Territories is controlled by men of that religion. You will find also that in all the offices of the country they have far more than justice entitles them to in proportion to the rest of the population. We have been liberal, and generous to a fault even, in that respect.

HON. MR. POWER—Were those officials appointed by the North-West Territories or by the Government at Ottawa?

HON. MR. PERLEY—They were appointed by the Government at Ottawa; but so far as the people of the North-West Territories are concerned, I may say that ever since I have lived in that country I have found the Protestant people disposed to grant every measure of justice and fair play to the Roman Catholic portion of the community. The great cause of all the trouble about the dual language originated with Lieutenant Governor Royal. When it was proposed that he should be appointed Lieutenant Governor I was a member of the other branch of Parliament, and when I understood it was the desire of the Government that Mr. Royal should be appointed, a French gentleman, a genial, pleasant man, a man with whom I

have no fault to find, a man with whom all my relations have been of the most pleasant character, I acquiesced in it, though the people in my country were opposed to the appointment. They were opposed to having a French Governor appointed to that important position, possessing the powers that such a Governor possessed, because they did not think it was an appointment that the importance of the French population of that country warranted. The press was not silent. The people were expressing that opinion, and, when I was a member of the North-West Council, I heard the same opinion expressed. I at once undertook to allay the feelings that existed in the country, and wrote letters to my constitutents, right and left, telling them that they would find Mr. Royal to be a man who would administer the laws of the country with entire satisfaction; and no man could do more than I then did to make Mr. Royal's installation into office pleasant and comfortable; and no man could have been more pleased with the reception that he got from the people of these Territories when he came into office. The people felt that no wrong had been done to them in appointing a Frenchman to that important office, but when he opened the Assembly he was himself responsible largely for the change in the condition of things. When I was a member of the Assembly I never heard any fault found about the dual language. There was no question about it at all; I hardly knew that it was on the Statute-book, and there would not have been any fault found with it had it not been that Mr. Royal undertook to force the French language on the people of that country. There were 22 elected members representing the North-West Territories, and not one of them could speak the French language at all. Mr. Royal was conversant with that fact, yet he read his speech in French. Not one of the members of the House understood him, and the ceremony was neither edifying nor amusing. During the four years we had Mr. Forget as Clerk of the Council no fault was found with the French language. We did not say we should have an English clerk as well as a French clerk. Mr. Forget was a satisfactory officer. But Mr. Royal not only read his speech in French, but he brought up a French gentleman from Quebec to act as interpreter, and undertook to put the whole French system into operation in the North-West; and then it was that the agitation commenced by the people declaring that they did not want French as an official language. We in the North-West prior to that time mapped out those districts. We had considerable trouble in doing so. I was a member of the Council at the time, and know all about it. We had a great deal of difficulty to arrange the number of representatives for the districts of Alberta, Assiniboia and Saskatchewan. We finally arranged that twenty-two would be a fair representation of the different parts of the Territory. We went to work in the Commons with the advice and consent of my former colleagues, the gentlemen whom I had left in the North-West Council, because it was the same Council in which I had resigned my position to run for the Dominion—and with the advice and consent of these men we framed the electoral divisions as they now are in that country. They were so framed by these men with a due and just regard for the interests of the people. My hon. friend made reference yesterday in his remarks to Mr. Cunningham. Mr. Cunningham is a nice man, an Irish Half-breed, who lives at St. Albert. He is the gentleman who would probably represent that section of the country if it were sub-divided as my hon. friend desires; but he is not a scholarly man in any respect. During all the time he was in the North-West Assembly he never took any active part in the proceedings; he is not that kind of man. This same district is now represented by an able, intelligent man: I refer to Mr. Oliver. The French people voted for him. He was the candidate of their choice, and they elected him in preference to Mr. Cunningham, because they believed he would be a better man to look after their rights and interests than a man who would simply go there and vote, and had not the ability to look after the interests of the district. The hon. gentleman says the Half-breeds have 800 votes in that district. If they have, they will be able to elect two representatives of their own as the district now stands. It would not be right for me to remain in my seat and listen to any gentleman making reflections on the progress of the North-West, and declaring that there is a want of justice towards the Half-breeds in those districts.

I say in my place that no class of citizens in the North-West—notwithstanding the memorials that have been sent down here since 1883—have attracted more attention from the English representatives in that Council than the Half-breeds did. If the Council had been entirely composed of Half-breeds that class of the community could not have had more justice from the representatives than they have had up to the present day—not only in reference to representation, but in every matter pertaining to the interests of the people, they have had the very best of friends in the North-West Council.

We have never been slow in the Assembly to do what we thought was in the interests of the country, and we did it specially because we felt that the Half-breeds had not friends amongst themselves who could advocate their interests, and we never spared time or pains since I had anything to do with public affairs in the North-West to see that these people had every fair play. I do not wish to say anything hard or unkind against my hon. friend's proposition, but I think the divisions that we mapped out on the advice of the people are fair and equitable. I think it is a division in the interests of the people themselves. I am sure of it, from what I know myself of the circumstances of those people. I say it is their interest to have an intelligent man to represent them in the Council, as they will have under the present division. It is in the power of those people—I have it upon the authority of the hon. gentleman from St. Boniface himself—to turn out their representative if they do not want him; but I am informed that they themselves went in a body and voted for Mr. Oliver last year in preference to anyone of their own people. The distribution of the seats in the North-West now is just and equitable to all sections of the country, and I believe that the results will be satisfactory to the people.

HON. MR. BELLEROSE—It is not my intention to follow the hon. gentleman in the remarks he has made on the North-West. I feel happy to hear that the people of the Territories are as liberal as the hon. gentleman has just stated. If I contradicted his statement it would be only my denial against his assertions, which is not sufficient for proof on either side. I will merely say this, that we can all remember that there was a revolt in the North-West some years ago, and it will also be remembered that it was the conduct of some one that brought about that revolt, and when it is publicly known that some of those who brought about that revolt have since been rewarded, that alone is sufficient to prove that the North-West affairs have not always been what they ought to have been. The hon. gentleman says that this Bill, as it now is, is just and equitable. The hon. gentleman from St. Boniface asserts that it is all wrong—that it is unjust to a certain class of the community. Which of these two gentlemen are we to believe? I believe that the hon. member from St. Boniface is better informed on the subject, because that hon. gentleman shows that by this Bill the French population is mixed up amongst the English population, so that they can have no hope of ever having a representative vote in the North-West Assembly or Council. If that is equity, according to the hon. gentleman and those of his nationality, it is not equity in my opinion, and it is not the way that we have treated the minority in Quebec. In our opinion it would not be justice; it would be injustice, and that is the reason why we cannot submit to it except we are forced to submit. We are here to protest against such a course until the people see how they are treated in our part of the country, and then it may be that they will go to such extremes that justice will have to come from headquarters, because we cannot submit to it. The newspapers of the North-West reach this part of Canada. We have seen in them letters of influential citizens of the North-West. I have seen more than that: I have seen a letter from Bishop Grandin, who must know something of the North West; and he complains that the whole arrangment is unjust—that the Roman Catholic and the French people are ill-treated, and they appeal to those of our nationality to help them in their struggle for justice. A letter signed by such a gentlemen is something that deserves the attention of every honest man—every man who is not influenced by fanaticism—every man who believes that British fair play should be extended to every citizen of the Dominion, be he English, Irish or French.

HON. MR. McINNES (B. C.)—What about the poor Scotchmen up there.

HON. MR. BELLEROSE—I suppose they have some Scotchmen there; they are everywhere in the world. I would not like to say all that is there, but it is well known that everything is not right, and the Bill itself shows that things are not right. The hon. gentleman opposite asks—"Why is this agitation to-day? It is because we agitated there since Governor Royal came to the North-West." That is it. A French Governor was sent to them—and the agitation began at once, because a Frenchman will not be allowed to lead them. That is the statement of the hon. gentleman now. That is why the agitation began. Before that it was always quiet. I will not say any more, because it may stir up ill feelings. For my own part, though rather violent, I believe it is better to protest civilly and wait for better times. If the time becomes serious I have great fear that the peace and harmony that the Government desire to see in that country will not last, because things cannot continue to go on as they seem to be going on at present.

HON. MR. PERLEY—I will admit that that prediction might be true if the hon. gentleman from Delanaudière was at the head of affairs, but fortunately he is not. The hon. gentleman opened this subject in a spirit that was very unkind and tended to do harm. He has spoken of revolt, but I will take the opportunity of giving my opinion as to the cause of that revolt. When the revolt took place in 1885, in the North-West, I heard a great many men all over the country condemn Sir John Macdonald for having sent Riel out of the country at the time of the first rebellion. Every man in the country found fault with him for doing so. I enquired into the matter, and knowing the condition of the North-West, the great plains uninhabited, except by savage bands of Indians, with no settled abode, expert hunters and horsemen, it was the wisest piece of statesmanship that ever was exhibited in the Dominion to give Riel $1,000 to induce him to leave the country. If the Government had given him ten times that amount it would have been a wise piece of statesmanship to get rid of him at that time, for no force, not even the British army, could have penetrated into those plains and carried on a fight successfully with the Indians and Half-breeds. The next rebellion came on, and I know a little about that. How did it originate? The members of the North-West Council, before that time, had memorialized the Government at the instance of the white settlers in the country to give the Half-breeds their scrip. The Government refused to give the Half-breeds the scrip, because they were so advised by a gentleman who knew a thousand times more than my hon. friend who has taken his seat—a gentleman actuated by motives that were a thousand times higher than those of the hon. gentleman—I refer to Archbishop Taché. His advise was not to give the Half-breeds their scrip. The buffalo, their principal means of subsistence, had become extinct; freighting was cut short by the construction of the railways; their ponies were fast being sold, and these Half-breeds found themselves in more straitened circumstances. The white people were anxious that the scrip should be issued to the Half-breeds, because they could convert it at once into money, and the result was, they urged the Half-breeds on to press their claims for the issue of scrip, which, I do not hesitate to say, with my knowledge of the country, was a most unwise thing to do, and the clerical gentlemen who advised the Government not to issue the scrip, exhibited great wisdom in doing so. When the scrip was issued I was at Fort Qu'Apelle, then running a campaign for a seat in the North-West Council. I found hundreds of these men down there at the Catholic mission, where the scrip was being issued, and there were at least twenty speculators from Toronto and all parts of the country buying the scrip at one-half or two-thirds of its value, and next day you could see these Half-breeds at Fort Qu'Apelle throwing away their money, drinking and pool-playing, and in buying things that were not worth one-half what they paid for them.

HON. MR. ABBOTT—It appears to me that my hon. friend is opening up a very wide field of discussion, which goes considerably beyond the subject which we are now discussing in committee, and I think it is to be deprecated, because I should like myself to hear my hon. friend's views as to the disastrous period that he speaks of. It is quite clear, however, that his views would not be shared by all the gen

tlemen in the House, and we should have a discussion on the causes of the rebellion which would be quite foreign to the question before the House, and which might lead us very far, and might disturb that harmony which has characterized our discussions hitherto on this North-West Bill. I might, perhaps, take the exception that my hon. friend was out of order as speaking beyond the question before the committee. I do not wish to take that step, but I would suggest to my hon. friend that it would be better not to extend his reminiscences into these regions, because it might lead to very long, animated, if not warm speeches, in which there are undoubtedly two strong opinions, both in this House and in the other House.

HON. MR. PERLEY—I have no desire to do anything such as the hon. gentlemen has suggested, but the circumtances of the case necessitated my referring to this question. When he said these people were unfairly dealt with I wanted to show that they were not—that they had wasted their substance improvidently and that now, if they are poor and have become wards of the Government almost, it is their own fault, and not the fault of the Government. These men got their scrip, and if they cannot live, whose fault is it? Is it the fault of the Government or of the other settlers of the North-West? Is it the fault of the people of the North-West? I say, no. I say they are fairly dealt with, and it was a wise policy to withhold scrip from them. The idea was to keep this scrip until the priests had educated those men to the value of it, and I say it was a most commendable idea. They had more reasonable means of living then than they have now, but the traders and others wanted this scrip. The idea was to keep the scrip until the worthy missionaries, who were doing everything in their power—more than one would think ordinary men could do, sacrificing their comfort and running the risk of their lives—could educate them; but the sharks, as I call them, wanted to get hold of the scrip, and they persuaded the Half-breeds to get Riel back and raise a rebellion. An hon. gentleman says that there is danger of further trouble, but I tell this House that you cannot create another rebellion among the Half-breeds, no matter what influence or power is exerted. The party who tries to excite another rebellion in the North-West will regret it more than the last one did, and he regretted it very badly. To-day the man who makes the charge that the Half-breeds have any just grievances against the Government or the people of the North-West makes a charge that cannot possible be sustained by the facts of the case. I want to say here, as I stated before, that at very every meeting of the Assembly when grievances were brought to their notice, or demands that were fair, the Assembly redressed the grievances and granted supplies, and in every way did what they could for the comfort of those people. When ever there has been any distress amongst those people the Government have always gone to their relief. I do not think, therefore, that it is fair for the hon. gentleman to make such a charge against the people of that country when the Half-breeds are being so fairly, liberally and honorably dealt with, and that is why I have risen to make the statement which I have made to-day.

HON. MR. BELLEROSE—I will not follow the hon. gentleman. I approve of the remark of the leader of the House: this is not a subject to be discussed here, because it is one which gives rise to a good deal of feeling and the use of harsh words that will not be pleasant to the House. Another reason is, that there are members of this House who will no accept those explanations, because it is well known that on other occasions replies have been given which were not correct. Here, in my place, I asked when Sir David Macpherson was present, before the rebellion, whether there were any grievances, and the answer was that there was not a word of complaint in the North-West.

HON. MR. PERLEY—I would ask the hon. gentleman was he ever in the North-West.

HON. MR. BELLEROSE—I am mentioning this because I want to show that while there were proofs in the Department of grievances in the North-West, I was told in this House that there were no complaints. There is a speech in the volume of the Senate *Debates* which I hold in my hands—a speech covering fifty pages, and containing a statement of facts which nobody will venture to contradict. It explains the whole trouble in the North-

West. I would only have to read that speech to prove what I say, because it is taken from public documents.

HON. MR. PERLEY—Whose speech is it?

HON. MR. BELLEROSE—A speech of the late Senator Trudel. When I was told by the Government that there were no documents I mentioned to Mr. Trudel that there were documents, and suggested to him to put a motion on the Paper calling for a document dated January the 16th, to show the Government that we knew something about it. Then the answer came: "We have documents." Was that just, reasonable or equitable? I think not. Certainly I have never been accustomed to treat others that way. Then, the hon. gentleman says there are no difficulties in the nature of a rebellion in the North-West. I never said there were; what I did say was, that it would arouse the people and that it would interfere with the prosperity of the country. Even now, although the agitation is only beginning, it is already affecting the prosperity of the North-West. A country to be progressive must live in peace and harmony; the people must live together as brothers, wishing to do what is right. That is the only answer necessary to the hon. gentleman, because I wish to avoid anything calculated to stir up a bad feeling.

HON. MR. GIRARD—I am sorry that such a warm discussion has arisen; it certainly was not my intention to excite it and I did not expect it. My only purpose was to speak in the interest of the North-West itself. I have called attention to the fact that there is not a solitary Half-breed, French or Catholic member of the North-West Assembly, and I argue from this that there must be something wrong somewhere. My intention was to submit a statement of the facts and ask if a remedy could not be found—to ascertain if we could not have one or two members elected to the Assembly as representatives of those people. The French and Half-breeds are good people, and certainly if they had representatives in the Assembly they would do their duty to their Queen and country. If there were two of them elected there would still be twenty members representing the English-speaking majority. I think that these Half-breed representatives would render great service in explaining the views of their friends, and thus enabling the Assembly to make such laws as would give satisfaction to the whole population of the North-West. At the present time there is dissatisfaction there. I suppose the people represented by the hon. gentleman himself are quite satisfied, but in other quarters there is dissatisfaction, to which the Government should endeavor to put an end. If the proposition which I make to-day is accepted it will be the first step towards doing justice to those people and restoring harmony to the country.

HON. MR. POWER—Will the hon. gentleman be kind enough to give the House some idea as to the relative numbers of the French and English-speaking population in the district of Edmonton?

HON. MR. GIRARD—I do not live there myself, and I would not like to give figures which were not absolutely correct, but I have information from people living there, who state that at the next election in the district of Edmonton alone there will be no less than 800 voters. The letter in which I get this information is from one of the leading citizens of Edmonton, and before the letter was written a meeting of the people was held, and Bishop Grandin gave his full approbation to what was decided upon at that meeting. The writer says that the district, as outlined in the letter, will contain, at the next election, 800 voters, of whom at least three-fourths are Catholics. I think you will find throughout the North-West considerable numbers of French Half-breeds, Irish Catholics and French Catholics. Not long ago the Territories were entirely in the hands of the Half-breeds. Since then a population, better acquainted with business and more enterprising, have come into that country, and the Half-breeds are now in the minority, but they have not been expelled from the country yet. You will find them throughout the North-West, retaining their customs and exerting themselves to make a living as best they can.

HON. MR. MASSON—I was out of the House for a few minutes, and cannot say if the hon. gentlemen who represent those Territories explained to the House the reasons which induced the North-West Council to take the advice which they

followed According to the ordinary divisions of the country, one member is elected for each district. How is it that out of some twenty districts in the North-West three of them elect two members each? Now, what objection can there be, on the face of the thing itself, to dividing those three counties, so as to make six constituencies electing one member each? I, who am not at the bottom of this affair, think that if there are not very grave objections those counties might be divided. A good reason for doing so is that a portion of the population living in those counties feel aggrieved because they are not represented, and it would be advisable to divide those counties, if for nothing else then to remove this grievance. I have not heard a single reason why the division should not be made. We have here to-day gentlemen who were present when the division was made, and could tell us the reasons which influenced those who decided the matter, and also why the ordinary rule relating to constituencies should not be followed in this case. I think the hon. gentleman should give to the House some good reason why the constituencies have been divided as they are, and why no further change should be made in their boundaries.

HON. MR. LOUGHEED—I took occasion last evening to express disapproval of the proposition of the hon. gentleman from St. Boniface to divide the districts in question, and I reiterate what I then stated. In the first place, the proposition is not based upon any representations made by representative men in the Territories, not that I cast the least reflection on the letters produced by the hon. gentleman from St. Boniface and read by him. In all representative institutions we must take this into our consideration, that where there are representative men elected by the people, not only for the North-West Assembly, but for the House of Commons, and appointed by the Government in this Chamber, then I take it, and I submit to the House, the representations of the people's representatives and of those appointed by the Government should certainly prevail over representations from private parties, and made possibly from interested sources. The divisions in question were made after a consultation, and a very great deal of consideration had been given to the subject by the members of the North-West Council and the representatives in the Commons of the Territories and those who then represented those Territories in the Senate. I ask hon. gentlemen present if a more equitable mode or a more advisable course could have been pursued than was followed at that time in arriving at the conclusion which the Government reached in making a distribution of the electoral divisions in the North-West Territories? Hon. gentlemen may say that an injustice is done to a certain nationality in those Territories. We have to take it for granted, when there is nothing to show to the contrary, that those men who dictated the policy pursued in this division were the representatives of that people quite as much as of the English-speaking population. We cannot assume here that, because there may not be Half-breed or French representatives in the Local Assembly or in the Parliament of Canada that, therefore, those who do represent that country are not as much representatives of those particular classes as of any other classes in the community. We know that under our representative institutions it is taken for granted that those who represent certain districts represent the whole population of their constituency; consequently, I say this argument should appeal to hon. gentlemen, and should be thoroughly satisfactory in reconciling them to the state of affairs which has arisen and at present prevails. There is another very strong reason why I take exception to the proposition advanced by the hon. gentleman from St. Boniface, and that is, that there has been no dissatisfaction expressed up to the present time relative to these divisions. I may say, and I say it advisedly, that I am in a much better position to be aware of what public opinion is in the Territories than the hon. gentleman. I say it with all due deference to him. I am almost directly in contact with one of the divisions referred to: I live almost contiguous to the Edmonton division, which it is now proposed to divide, and I say here, and say it conscientiously, that although I am constantly in contact with the representative men from that electoral district I have never yet heard a word of dissatisfaction expressed relative to the division made by the Government two years ago. I am not aware

of any agitation or dissatisfaction prevailing throughout the Territories in respect to any of those divisions. I take it for granted that if there had been any dissatisfaction of such a nature as hon. gentlemen could place in a tangible shape they would have submitted it to this House. We know it is a very easy matter, if the public generally are dissatisfied with some particular mode of government or some injustice which they think they labor under, to present petitions, not only from representative men but from the mass of the people, setting forth the abuses under which they consider they labor, but this has not been done in this case. Has any case been made out to this honorable House why any change should take place in reference to this particular matter? I submit there has not, and I say further that it would create the greatest dissatisfaction and would be reprobated by the people of the Territories and by those representative men who represent the whole of the Territories in the North-West Council if this Parliament, without any such mode of expression as that which I have referred to, by petition or otherwise, should undertake to interfere with those divisions which had been established after such careful and deliberate consideration.

HON. MR. POWER—Would the hon. gentleman be kind enough to indicate what serious objection there could be to divide the district of Edmonton into two districts?

HON. MR. LOUGHEED—Yes; I will have pleasure in stating them. The representatives of the North-West Territories, upon the proposition of the hon gentleman from St. Boniface being made known, objected——

HON. MR. POWER—I do not refer to the division which the hon. gentleman from St. Boniface proposes—I say any division.

HON. MR. LOUGHEED—There was the greatest dissatisfaction expressed by those in a representative capacity at this Parliament interfering with the divisions in the manner proposed, and that is the only way of ascertaining public opinion, namely, the views of those elected to represent the people. If those men cannot express public opinion I for one am not aware of how we can obtain an opinion that we can rely upon. I refer to the Speaker of the Legislative Assembly, to Mr. Oliver, who represents that constituency in the Local Assembly—these men have expressed themselves unhesitatingly against the proposed division of the hon. gentleman from St. Boniface. And now permit me to say further that if the hon. gentleman from St. Boniface is right in the figures submitted by him as to the number of French voters, there is nothing to prevent those people who desire to have special representation in the North-West Assembly from electing two representatives from that district. So far as my memory now serves me, there were not more than about 800 votes polled for each of those gentlemen at the last Local Assembly elections, and if those 800 votes are controlled by that particular race referred to by the hon. gentleman there is nothing to prevent them having a greater advantage than he proposes—namely, the advantage of selecting two members for that particular constituency. I would also say, with reference to Batoche, that the French Half-breeds there are sufficiently numerous to elect a representative of their own. At the last election for the North-West Assembly the French Half-breed who represented his race in the contest in Batoche was, I am informed, placed at the head of the polls, but owing to a French Canadian returning officer declaring that he was not duly elected, owing to some technical difficulty, he was therefore declared not elected. This fact proves in itself that the French Half-breeds in that constituency are sufficiently numerous to place their candidate at the head of the poll. Therefore, under the circumstances it is not justifiable, but entirely indefensible, that this step should be taken as proposed by the hon. gentleman. Furthermore, I assert that if such a step were taken it would create not only great dissatisfaction, but a sense of insecurity amongs the members of the Legislative Assembly if their electoral districts are to be carved up at the instance of every whim and caprice that may seize some few dissatisfied individuals. Permit me to say, in answer to the question asked by some hon. gentlemen, and particularly the hon. member from Mille Isles that the reason that two of the constituencies in the North-West are allowed to return two

members each is owing to the fact that the members for the House of Commons approved of it, as did also the member in the Senate at that time, and I think I can say it advisedly, that there was no greater friend of the Half-breed population of the North-West Territories than the late and lamented Senator who was my predecessor, and who I am very sorry is not now living to occupy his seat in this Chamber. It was on the recommendation of that hon. gentleman, together with the recommendation of the member for Alberta in the House of Commons, that the representation was fixed as it stands to-day; and, as I before stated, if the French Half-breeds of that district wished to take advantage of their present opportunities there is nothing to prevent them returning two members for that northern constituency if they so desire. If they do not exercise their discretion in that particular matter that is no reason why we should make other arrangements to see if they will exercise their discretion by another mode. We cannot nourish such designs. We have to leave it to themselves to exercise their franchise in the best manner they see fit. At the last Local election for the Assembly they chose to elect two English-Speaking representatives, and two better representatives they could not have obtained. The French Half-breeds then knew and to-day know that they cannot be so well represented in the Legislative Assembly of the Territories than by the men who represent those constituencies now. Year after year those members have paid the greatest attention and the most delicate consideration to the desires and wishes of the Half-breeds of that constituency, and we find on the records of this House and of the North-West Assembly petition after petition asking that the claims of the Half-breeds should be dealt with, showing the very energetic and commendable manner and the very considerate way in which the representatives of those constituencies have dealt with the Half-breed population. I hold at this moment a memorial from that Assembly, asking for further consideration from this Parliament as to certain claims of the Half-breeds. Those who are familiar with the history of that country, particularly those who have been representatives in the Local Assembly, will come to the conclusion unhesitatingly that the Half-breeds have been well represented there and have received greater consideration than the white residents who are represented in our various representative institutions.

HON. MR. POWER—The hon. gentleman has not answered the simple question that I asked him. I asked him if he could mention any fair objection to a division of the district of Edmonton?

HON. MR. LOUGHEED—I answered it by saying that it was objected to by representative men in the North-West, including the representatives of the district.

HON. MR. MASSON—That is no objection.

HON. MR. LOUGHEED—If the hon. gentlemen from Mille Isles, St. Boniface and Halifax had intimated to me before I came down here, nearly three thousand miles from the place in question, that they wanted this information, I should have ascertained for them more specific reasons. I stated that the division was made in the first place at the instance of the representatives of the Territories. We did not receive notice until to-day of the limits which the hon. member from St. Boniface desired to have established, and it would be utterly impossible to give proper consideration to a matter where so many and such intricate metes and bounds are to be considered as in the proposition of the hon. gentleman. This I advance as a further fact why this proposition should not be considered at the present time, and why the Bill should pass in its present form.

HON. MR. POWER—I do not think there is a great deal of force in the answer given by the hon. gentleman from Calgary. He told us that he was, to use an expression which we have heard here before this evening, in touch with the people of Edmonton district. If that is the case, if he is perfectly familiar with what is going on in the Edmonton district and with the feelings of the people there, he ought to be in a position to give a substantial reason, if there is one to be furnished, why this district should not be divided. The hon. gentleman has confessed his inability to do it. How does the hon. gentleman in the House of Commons know more about the district than the hon. gentleman from St. Boniface?

HON. MR. PERLEY—I can tell you the reason exactly, if you want to know it. As I stated at the outset, I was two years in the Council with the member representing that district. He is not an educated man; naturally, that class of people have never had the advantages to fit them for public positions, and for that reason the people thought it advisable to make a district, so that they could get a good man to represent them.

HON. MR. POWER—They could import a good man if they wished it. At all events, they could import a schoolmaster, and the character of the representation would improve; so there is no substantial reason against dividing the district. There is a feeling that the Half-breeds are not quite good enough to sit in the same Assembly with the whites—that is all.

HON. MR. PERLEY—No, that is not the fact.

HON. MR. POWER—The hon. gentleman from Calgary objected to this Parliament interfering with the division of the district. It was this Parliament which made the division in the first instance—this Parliament which alone has the authority to make a division—and we are dealing with that very matter now. If any change is to be made, now is the time to make it, and here is the place to do it. Then the hon. gentleman from Calgary told us also that he was familiar with the sentiment of that section, and that there was no dissatisfaction with the existing state of things; but a little later on he admitted that he did not know the sentiment of this particular region. I do not think it at all probable that the Half-breed population of St. Albert, if they did feel dissatisfied with the present state of things, would carry their griefs to the hon. gentleman who lives four hundred miles away from them, and from whom they would not expect a great deal of sympathy. They sent their representations to the hon. gentleman from St. Boniface, who, in a certain sense, represents that element in the whole of the Territories. It has been contended with a good deal of force that these people are represented by members in the House of Commons. In one sense that is true; in another it is not. The point taken here is that there is a minority, which is a minority in every electoral district, and that minority is not represented. We simply get the voice of the majority under our system: that is the only voice that we can get here directly. I am not going to say that is a defect, but I say the minority are entitled to be heard. If they are enduring what they feel are grievances they have a right to be heard, and we have a right to consider their grievances if it can be shown that they are substantial. Then the hon. gentleman says that they are represented in the Legislative Assembly and have no right to come here. But the very thing that they complain of is that they are not represented in the Legislative Assembly. The complaint is that when we were arranging the divisions in the North-West they were not able to secure representation. If that complaint is well founded, then the answer given by the hon. gentleman from Calgary is not an answer at all. This is one of those questions as to which it is very difficult for a member of this House to say how he ought to vote or feel. I certainly do not think that, with the information before us, we are called upon to make such a division as that proposed by the hon. gentleman from St. Boniface. I believe myself that a division could be made of that Edmonton district which would give one member to each division, and which would probably satisfy people who are said to be dissatisfied: but I think the boundary line should be one less difficult to follow than the one indicated to the committee by the hon. gentleman from St. Boniface. As to the Batoche district, I do not think there is very much in that, because Batoche now only returns one member. It is possible that some slight change in the boundary between Batoche and the adjoining districts might satisfy the Half-breeds there better, but I do not think there is much in that, particularly as the hon. gentleman from Calgary told us that the Half-breed candidate was at the head of the poll. I think it is the duty of the Government to look back at the history of the North West and at the evils that grew out of our own self-sufficiency when we ourselves supposed we knew everything—to look back at the errors we committed in the past, through ignoring grievances complained of from those Territories. It is therefore the duty of the Government

to give this proposition made by the hon. gentleman from St. Boniface some reasonable consideration. I do not say to grant it, but to take a few hours to think over it, and consider it and see whether they cannot make such a division of the Edmonton district as will satisfy everybody. I do not see why Edmonton should not be divided into two districts, and then let the result be what it may. If it be divided fairly in respect of population and size no one can complain, and I presume that a fair and equitable division would give the people represented by the hon. gentleman from St. Boniface a fair representation in the Local Assembly. I do not say that they are not now getting fair play; but they have no representative in the Assembly, and because of it they claim they have a grievance, and that grievance should be removed. No matter how fairly you are dealing with a class of the people, if those people are not given a chance to be heard they imagine they have a grievance and they will be dissatisfied. It is easier and cheaper to divide this district, and let the Half-breeds have one representative, and be done with it.

HON. MR. MCINNES (B.C.)—Why not divide all the constituencies returning two members for the House of Commons on the same principle?

HON. MR. POWER—As far as I am concerned, I should have no objection.

HON. MR. MCINNES (B.C.)—Here is the city of Ottawa as an example, returning two members, and there are constituencies in British Columbia.

HON. MR. POWER—I think that under the system that has been adopted throughout this Province it is a better way to have only one representative for each district, and if there was any representation on the part of the city of Ottawa that it should be divided into two districts I dare say it would be divided, and I think myself it would be better to have it divided. It would be better to try and remove this sense of injustice. I do not say there is an injustice, but there is a sense of injustice, and if that can be done away with without outraging common sense or fair play it is the duty of the Government to do it.

HON. MR. DEVER—Can we be led to believe that there is any injustice done to these people while they have representatives in the Cabinet? They have three able French representatives in the Cabinet, and three other representatives in the Cabinet who would be in favor of doing these men justice. There are six men who would not certainly stand by and see any injustice done to these people; therefore, I hold that the position taken by the hon. gentlemen who are pressing this matter must be that of mere antagonism to the Government.

HON. MR. ABBOTT—The hon. gentleman from Halifax, who spoke very mildly on the subject and, I think, very sensibly, has reached the conclusion that I expressed to this House two days ago. In relating to the House what had taken place with reference to this proposed amendment I cited, and I repeat it now, that when about ten days ago for the first time I heard, and my colleagues heard, there was a desire to change the electoral districts in the North-West, I felt, and my colleagues felt, and I said to the hon. gentleman from St. Boniface that it appeared to me that it was a fair proposition to divide Edmonton. I am not prepared to give the same opinion of the proposition that is before us, because it appears to me that that proposition would be inadmissible in its present form. The proposition that this district should be divided into two, and that each division should return a member, appeared to me to be a reasonable one. I said so to this hon. gentleman and I said so to this House, and when I brought it before my colleagues the proposition met with the same reception. It appeared to them fair, and they set about, in the only way they knew how—they requested the Minister who represents the Department peculiarly charged with the interests of the North-West, to ascertain, in the best way he could, on such extraordinary short notice, what would be the feelings of the people on the subject of the division of these two districts, without reference to the eccentric boundaries proposed by my hon. friend from St. Boniface, for the purpose of giving the subject fair consideration. The particular kind of boundary that would be granted was put aside. As I stated the other day, the result of these

enquiries was unfavorable, and for that reason my colleagues decided that it would not be judicious to attempt to make the change this year. There was no refusal of a change; there was no determination expressed not to divide these counties, but simply this: that it was necessary, the Government having once made a division of the North-West Territories which was satisfactory, as far as they knew, up to ten days ago, to the people of the North-West, desired to have full information before they undertook to make another division, which might be extremely unsatisfactory to a large section of the people of the North-West. It was very natural that they should feel that there was some danger of the latter result when they saw the boundaries which my hon. friend presented to them. Hon. gentlemen will see what an extraordinary division it would be. It is not one on its face that would commend itself to the judgment of hon. members, I am sure, and it needed some very strong reason to have a division of the constituency in that particular form. We used to see, some years ago, pictures of divisions of counties which looked almost as eccentric as that, and they were a subject for jest by members on both sides of the House; but this is more eccentric I think than any we saw in those days. The Government felt that they could not accept my hon. friend's division. On the face of it, it appeared impossible for them to accept it. Then, what division could they adopt at a distance of three thousand miles in three or four days? What kind of division, supposing they decided on a division at all, would be suitable? The Government were placed in this position, that not knowing until the last moment that a re-division of the North-West was desired by anybody, the answers to the inquiries which they immediately made, with a sincere desire to meet the views of these gentlemen who thought they were not receiving a full measure of justice, were adverse to the proposal that was made. They necessarily postponed the full consideration of any re-distribution of this division until they could get authentic and full information on the spot, and it seems to me that in doing so they acted wisely. It cannot be possible that any great amount of injustice can be done to any body in the North-West by postponing the division of the electoral districts until the Government are fully informed as to the best mode of doing it, if it is to be done at all. That is the position of the Government now? They say: we learn by preliminary enquiry that the change would be distasteful. They say to the proposition of my hon. friend we cannot accept it as it stands; it is impossible for us to get information before Parliament prorogues, and we postpone the considerution of this subject until the next session of Parliament. It seems to me that that is a moderate, wise and proper mode of dealing with this subject, and it does not justify the loud complaints of oppression and almost threats of rebellion which we hear, because, at a moment's notice, within a few hours, we do not accept a proposal to make a radical change in the electoral districts of the North-West. I do think the way which the Government have selected is the proper way, and I feel convinced that they will be sustained by this House.

Hon. Mr. POWER—I think the statement of the leader of the Government is perfectly satisfactory, and I hope the hon. gentleman from St. Boniface will withdraw his amendment.

Hon. Mr. GIRARD—My intention certainly is not to say anything against the wisdom of the course of the hon. leader of the House; at the same time, I think I am justified in explaining the proposed division. It is due to the fact that the English and Half-breed settlements are mixed up to a certain degree, and it makes it necessary to create these boundaries, which appear to the hon. gentleman to be somewhat eccentric. I cannot withdraw the amendment; I can only assent to its being lost on a division, for very likely the same amendment will be brought before the House of Commons.

Hon. Mr. MASSON—I am sure my hon. friend should accept the proposition made by the hon. gentleman from Halifax. The Government have given their opinion that the division might be made. They have not promised that it shall be made, but they will consider the question, and next session they will inform us of the result. Then there is the objection made by the leader of the Government, that the division is made in an eccentric way. I can-

not judge of that. I believe in the division, and I shall vote for it, but I would rather not; I would rather give the Government a chance to settle the question themselves.

HON. MR. GIRARD—I am in the hands of my friends, and I think it would be better to allow the motion to be declared lost on a division rather than withdraw it.

HON. MR. MASSON—It would be better to withdraw it.

HON. MR. BELLEROSE—If the Government are not prepared to do justice to the people of the North-West they ought not to have introduced the Bill. They are or they are not prepared. If they are not prepared, it is inexpedient to pass a Bill which may be objectionable and unjust to the minority in that part of the country. Can the hon. gentleman from St. Boniface honestly and contentedly, if he believes that it is wrong, put this House in a position to vote on a measure which the Government themselves admit may not be right, and may be unjust?

HON. MR. OGILVIE—They do not admit at all that it is unjust.

HON. MR. BELLEROSE—The Government themselves acknowledge that it may be unjust—that they are not prepared to say whether it is right or wrong. Therefore, if the Government are not prepared, they ought not do what may be wrong, because they are not sure that it is right.

HON. MR. MASSON—The hon. gentleman from Delanaudière is under a misapprehension. The Government have given no opinion on the proposition. The Bill does not include the question of territorial divisions at all. If the hon. gentleman wishes to add that clause to the Bill, to say that there is a division which is not fairly represented——

HON. MR. BELLROSE—I so well understood the matter that even now that it is explained I persist in my opinion. This Bill gives a new power, a constitutional power, to the new Assembly, and in that new Assembly the minority will have no vote to decide whether the proceedings will be published in French or not. I say if you give such a power in this Bill you are not prepared to do what is right, and if the hon. gentleman finds that my argument is not logical let him show wherein it is wrong.

HON. MR. POWER—I hope the hon. gentleman from St. Boniface will withdraw his motion, for if he allows it to be lost on a division it will be in a much worse position than if it is withdrawn and not voted on at all. His friends in the other House will have an adverse vote of the Senate to start with.

HON. MR. BELLEROSE—If the Government are not going to do anything, the hon. gentleman from St. Boniface ought to withdraw his motion.

HON. MR. GIRARD—As I understand from the leader of the House that the Government propose to give the question some consideration at a future day, and as my friends advise me to withdraw the motion, I shall do so.

The amendment was withdrawn, and the clause was agreed to.

HON. MR. READ (Quinté), from the committee, reported the Bill as amended.

The report was adopted.

FISHING VESSELS OF THE UNITED STATES BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (134,) "An Act respecting Fishing Vessels of the United States of America." He said: This Bill is simply for the purpose of authorizing the issuing of licenses to American fishing vessels for another year. It merely prolongs the *modus vivendi* for one year more. Negotiations are going on in relation to the fisheries that it would be a pity to disturb by unfriendly arrangements, and we desire that the privilege of issuing licenses to American fishing vessels be extended for one year. The Bill is exactly in the language of the Act passed in 1888, and does not extend the privileges therein contained. There were other privileges granted in the Bill of 1888 which it is proposed to consider by Order in Council.

HON. MR. KAULBACH—For the reasons given by the leader of the Government, I must approve of the extending of the *modus vivendi* for another year. At the same time, while negotiations are going on between the two countries, there is a strong feeling in the Maritime Provinces against

an extension of the *modus vivendi*. It is not approved of by our people, though of late many of the prejudices against it have been overcome. I hope by the end of another term some arrangements will be made to settle the disputed question.

HON. MR. POWER—I think the position of the affair is very unsatisfactory. The conduct of the Government in keeping an important Bill like this back to this stage of the session, and then asking us to railroad it through in this fashion, is anything but fair. The Government have known for some months that they would have to pass a measure of this kind, and I do not know why they should have held it until this stage of the session except it is that they have been waiting for the result of those negotiations to which the leader of the House has referred. When we consider the fact that our vessels that were seized four years ago have not been paid for yet, and our people have received no compensation whatever for their practical exclusion from fisheries in which they had a perfect right to participate for all those years, I do not think that this haste of ours to meet the views of our neighbors is very dignified. We ought to treat them with a little of the same consideration that they show to us.

HON. MR. PROWSE—Retaliation.

HON. MR. POWER—Yes retaliation. For four years they have kept our fishermen out of waters that they had as perfect a right to go into as any American fishermen. It is a case in which the Americans have not, as a matter of international law, a leg to stand on, and here we have been for months apparently getting them to admit a thing that is as plain as that two and two make four; and because they have not done that the Government ask us to hurry this measure through, for fear the Americans might feel a little bit irritated. I believe in peace and harmony, and give and take; but I do not think it should be all give on one side and all take on the other, and that is the way it has been with our negotiations with the United States.

HON. MR. HOWLAN—I presume the Government are doing the very best they can in this matter. They must be better informed than members of this House, and the presumption must be in their favor. With regard to granting this *modus vivendi*, if it is to be granted at all now is the time to grant it. We are aware from recent events in Newfoundland on the bait question that it is a matter of great importance, and if the Government desire to put this measure through there must be some good cause which, for State reasons, cannot be explained to the House. Therefore, I am prepared to accept it.

HON. MR. HAYTHORNE—For my part, I do not believe in the efficacy of retaliation between two nations. It seems to me that the nation which practises retaliation must have a very bad case of its own, or understand the art of diplomacy in a very imperfect manner. Possibly, the Government might have brought this matter forward a little earlier, but we shall only be showing that we appreciate the tendency now displayed at last in the United States to extend to us once more the right hand of fellowship, and for my part I shall be very glad to accept that right hand so held out; but I do not think it would be expedient to raise any objections to this Bill, on the plea that it has been so long coming, and that the Government were acting in an undignified way in calling our attention to it and asking us to go a little out of the ordinary course to pass it at once. As to the terms of the *modus vivendi*, all I can say is, I know that terms very similar to that were actually in existence in Prince Edward Island at a time when Canada was practicing the retaliation policy. Canada at that time thought that the only way of obtaining reciprocity from the United States was to retaliate, to exclude them from the fisheries and to do everything they possibly could to annoy them, but at that time Prince Edward Island controlled the fisheries on her own coasts, and her policy was entirely different. It was very similar to this policy of the *modus vivendi*, only there was nothing to pay in it.

We had no licenses that year; we allowed the transhipment of cargoes, the obtaining of bait and all other privileges which they had been accustomed to enjoy under the old reciprocity treaty, and we found that it not only benefited the Americans but it benefited our own people. We were on the most peaceable terms with them, and we were sorry indeed that such an arrangement should be interrupted by action from

Canada and authority of Her Majesty's ships exercised on her own subjects. In view of all these things, I rather congratulate the Government than otherwise on their being able to bring before this House a renewal of the *modus vivendi* for another year, because it leads me to hope and believe that the Americans are at last learning to understand the feelings of Canadians towards them more correctly than they had done upon previous occasions.

HON. MR. PROWSE—Is there any encouragement to expect Newfoundland to co-operate, as on former occasions, with us—to recognize the licenses of the Dominion Government, so that they may be mutual between the two Governments?

HON. MR. ABBOTT—I hope the House will give us credit for acting in this respect with the most earnest regard possible for the interests of this country. My hon. friend from Halifax has spoken on the subject in a way that it seems to me only points to a line of policy which I think would hardly be prudent. If we are not content to carry on diplomatic negotiations in a diplomatic way, pressing them as we are doing to the best of our ability consistent with self-respect, they having been carried on, as this House knows, continuously for a considerable period past, if we are not satisfied to carry on our negotiations in that way, what are we to do? Shall we withdraw our Minister who is at Washington assisting in these negotiations, and declare war with the United States?

HON. MR. POWER—I never suggested anything of the kind.

HON. MR. ABBOTT—No; but he suggested that we should not come forward with propositions of this description while we were so badly used by the United States. The Government regret as much as my hon. friend the injustice that has been done our people by the violation of international law in Behring's Sea, and we are doing our best to bring about a better state of things. In doing that we are loyally and earnestly and vigorously aided by England. The representative of the Imperial Government, assisted by our own Minister, has been for some months—a couple of months at least—engaged in pressing negotiations, which had been carried on for some time before by correspondence. Of course it is quite impossible for us to tell this House, or the public, or the newspapers, what we learn every day from Washington of the progress of negotiations there. It would be inconsistent with the possibility of any reasonable arrangement that the Government should promulgate the progress of those negotiations to the public from day to day. But in every step that we take—in the step I am taking—we are guided by the best judgment we can form in the progress of those negotiations, as to what is best for us to do, and we believe it is best for us now to remove any possible irritation that might arise from the fact that a large number of fishing vessels are now awaiting licenses. We think it better to pass this Bill, and remove that slight cause of irritation from the scene of the negotiations. We do this with the idea that it is the best thing to do—we do it according to the best of our judgment. We are conducting the affair as well as we can, and we ask the House to have so much confidence in our judgment as to pass this measure with a little more expedition than perhaps it would otherwise do—not much difference—perhaps twenty-four hours; more especially as it is a measure which is literally the same, word for word, as the one which passed both Houses in 1878.

HON. MR. KAULBACH—My hon. friend behind me asked a question which I consider very important with respect to Newfoundland.

HON. MR. ABBOTT—Newfoundland has declined to concur with us this year in granting those licenses so far; but in this Bill which is before the House we make a provision which will enable us to join Newfoundland as soon as she feels disposed to join with us in carrying out the system.

HON. MR. KAULBACH—It would be very injurious to the fishermen of Nova Scotia if Newfoundland should refuse to co-operate with us. The United States fishing vessels, by paying $1.50 per ton, can enter at any time the Newfoundland ports and purchase bait, while our fishing vessels must pay $1 a ton every time they enter a Newfoundland port. What is in our favor is this: As long as the United States recognize that their vessels coming in there have to pay this fee of $1 per ton they recognize our rights

in our fisheries and for the purpose which they get the benefit of by procuring a license.

HON. MR. ABBOTT—As far as the subject of Newfoundland legislation goes, we are not yet satisfied that any provision has been made that will affect our fishermen. We are in communication now with both Newfoundland and the Imperial Government on that subject, but it takes time to learn what is going on. As a matter of course, we shall be guided by the facts as we learn them, and if it should turn out to be as reported, and as is supposed, that Newfoundland has imposed a tax on our fishermen which would place us at a disadvantage—we shall hope to be able to meet the situation properly when it arises.

The motion was agreed to, and the Bill was read the second time, and refered to a Committee of the Whole House, under a suspension of the Rules.

HON. MR. VIDAL, from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. POWER—I think the hon. leader of the House more or less misapprehended my position at an earlier stage. However, I shall not dwell on that subject now. I wish to refer to this one point: the hon. gentleman thinks that we should now hold out the olive branch to the United States—that we should show the greatest good feeling towards them. Now, supposing that I were to agree with the hon. gentleman as to that point, what has been the line of conduct adopted in another place by another Minister of the Crown, the head of a very important Department? Did not that hon. gentleman, just at the time when those negotiations were going on, introduce a measure to tax American products coming into Canada—a measure of the most obnoxious character, calculated to annoy the United States much more than the course that I suggest? This Parliament made a statutory offer of reciprocity in natural products, and while these negotiations were going on the Ministry in the other House withdrew that offer, and put the most vexatious taxes upon articles of commerce covered by that offer of reciprocity. I think the Government should be a little consistent: if we are to have peace, good will and harmony, let us have it, but do not let the peace, good wil and harmony be all on one side, and not amongst the people on the other side.

HON. MR. KAULBACH—I do not see what the two things have to do with each other. The tariff is quite different from this, and I am sure our policy has not been retaliatory, but a policy quite adapted to our own people.

HON. MR. ABBOTT—I think my hon. friend misunderstood me. When I advocated the passing of this Bill I did not state any general principle with regard to cultivating good feeling with the United States. I merely asked that this particular Bill should be passed. Of course, every sensible man will be in favor of cultivating good feeling with our neighbors, and I arrogate to myself in a small degree the qualities which go to make up what is described as a sensible man. I should like to point out to my hon. friend that in making our fiscal arrangements and in arranging our Customs duties this Government studies the interest of its people. It is not guided by any feeling either of amity or enmity to any people or nation on the face of the globe, much less towards our neighbors, with whom we have endeavored to live in peace and friendship. When we impose or reduce a duty we do it in the interest of our people, and not for the purpose either of pleasing our neighbors or displeasing them. That does not enter into our consideration at all. The consideration which guides us in a measure of that kind is the welfare of our own people.

HON. MR. POWER—There is quite a difference in the interests of manufacturers and fishermen—that is all.

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

BILLS INTRODUCED.

Bill (141) "An Act to facilitate the purchase by the Pontiac Pacific Junction Railway Company from the Canadian Pacific Railway Company of the branch line of Railway between Hull and Aylmer." (Mr. Ogilvie.)

Bill (123) "An Act respecting the Ontario Pacific Railway Company" (Mr. Vidal.)

Bill (133) "An Act to amend the 'Indian Advancement Act,' Chap. 44 of the Revised Statutes." (Mr. Abbott.)

The Senate adjourned at 6.10 p.m.

THE SENATE.

Ottawa, Wednesday, April 30th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (124), "An Act respecting H. H. Vivian Company, Limited." (Mr. McKindsey.)

THE WALKER RELIEF BILL.

MOTION.

HON. MR. SANFORD moved—

That the fee of $200 paid to the Clerk of this House by Emily Walker, in presenting her petitions for an Act to dissolve her marriage with Alfred Percy Walker, be refunded to her, less the expenses incurred. Also, all the exhibits filed by petitioner at the hearing of the evidence.

HON. MR. KAULBACH—This is a special motion, and requires notice to be given. I am not saying that I will oppose the motion. The money has been returned in some cases, and possibly there may be no reason why it should not be done in this, but I object to this motion without regular notice being given.

HON. MR. DICKEY—It has been the ordinary practice to make such motions without notice.

HON. MR. POWER—The motion cannot be put without notice when there is an objection.

HON. MR. KAULBACH—I raise the point of order.

THE SPEAKER—It has been the practice in other cases, undoubtedly, to return the fee, on a motion, without special notice being given.

HON. MR. MILLER—Not invariably.

THE SPEAKER—I think it would be more regular for the hon. gentleman to give notice.

HON. MR. SANFORD—I will allow the motion to stand as a notice.

HON. MR. CLENOW—I was about to make a similar motion in the Clapp divorce case.

HON. MR. POWER—The balance will be the other way in the Clapp divorce. It would be more in order to ask Mr. Clapp to pay over the balance. The costs must be nearly one thousand dollars in his case.

FISHERIES OF RICHELIEU AND BERTHIER.

MOTION.

HON. MR. GUÉVREMONT 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 copies of all Departmental orders relating to the Fisheries of the Counties of Richelieu and Berthier, and a copy of all correspondence had since 1887 between the Department of Fisheries and the Fishery officers of the said counties on this subject.

The motion was agreed to.

INLAND REVENUE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (133) "An Act further to amend the Act respecting the Inland Revenue, Chap. 34 of the Revised Statutes."

(In the Committee.)

HON. MR. ABBOTT said: The amendments to this Act, included in the Bill now before the House, are now almost without exception purely technical, making alterations to meet attempts at evasions which prevail frequently in connection with the trades that are governed by this law.

On the 9th clause,—

HON. MR. POWER said: This clause seems to be a rather tyrannical one; there is a penalty attached to it. The clause is as follows:—

"263. Whenever any stamped box, bag, vessel, wrapper or envelope of any kind, containing tobacco or cigars, is emptied, the stamp or stamps thereon, and, in the case of cigars, the package also, shall be destroyed by the person in whose hands the same is."

It just means that if one buys a box of cigars he is bound, under a penalty of $200, when the cigars have been disposed of, to destroy the box. Now, I think that

is an unjustifiable interference with the liberty of the subject. I can understand some reason for it in the case of dealers in cigars, but why an ordinary private individual who has a box of cigars in his own house for domestic consumption shall be liable to a heavy penalty if he does not destroy the box, is something I cannot understand.

HON. MR. KAULBACH—There is, no doubt, some good reason for it, but many of us would be found liable to the penalty. Although I have used up a good many boxes of cigars I do not think I ever destroyed any of them—in fact, they are used generally for domestic purposes. Unless the Government have some good reason for requiring this to be done I think it should be confined to dealers in cigars, and not extended to consumers.

HON. MR. ALMON—I have no doubt that one of the reasons why this amendment is called for is that people who live where a great many cabbages are grown make the cabbage leaves into cigars, and put them into the boxes.

HON. MR. KAULBACH—My hon. friend would hardly know the difference between a good cigar and a cabbage leaf cigar.

HON. MR. DICKEY—I do not see any necessity for having the boxes destroyed, because we know that every box of cigars is sure to end in smoke.

HON. MR. ABBOTT—The reason why the box is required to be destroyed is that the stamp on it, which indicates the payment of duty, is not always destroyed, and the box may be filled with fresh cigars from time to time, and one box made to pay duty for a great many cigars. The question arises, whether the tobacco itself shall be hereafter made to bear the stamp; this question is under consideration, and it is possible that the ingenuity of those who deal in cigars, in evading the law, may lead to the enactment of some such provision.

HON. MR. KAULBACH—I thought that the stamp was put on the boxes in such a way that the boxes could not be opened without destroying the stamp.

HON. MR. DEVER—Boys are in the habit of collecting these boxes and selling them to manufacturers of cigars, and in that way the law is broken.

HON. MR. POWER—I fail to see how that can be done, because every box of cigars must have an internal revenue stamp placed on it in such a way that the box cannot be opened without destroying the stamp. I do not see how the revenue can be defrauded.

HON. MR. ABBOTT—I understand that the ingenuity of people interested in the trade has gone so far as to enable them to open the box without destroying the stamp, or to fix the box in such a way that you would not know it had been opened. The Department have encountered the difficulty, and the only way they see out of it is to have the boxes destroyed.

The clause was adopted.

HON. MR. DRUMMOND, from the committee, reported the Bill without amendment.

HON. MR. ABBOTT moved that the Bill be read a third time presently.

HON. MR. HAYTHORNE—I should like to have a little further explanation from the leader of the House as to a portion of that 9th clause. It seems to me that it is one of the most tyrannical clauses that I have ever heard of being introduced into any Legislature, if I am right in supposing that any private individual, in whose house some empty cigar boxes have been found, renders himself liable, on the information of any evil-disposed person who knew of their existence there, to the heavy penalties imposed by the Excise law. If that be so, no term than we can apply to it is sufficiently strong to express our disapproval of the punishment that may be inflicted on honest and unintentional offenders.

HON. MR. ABBOTT—I find it very difficult to answer my hon. friend. I do not know that there is any legislation that comes before this House in which a case of extreme hardship might not be imagined. Unfortunately, it is one of the necessities, apparently, of Government, that we should have those excise duties, and it is no use having them unless we can enforce the collection of them. One device for evading them is using the same box several times to avoid the payment of stamps. The Department can find no way of getting over the difficulty except this.

We must either give up the collection of the revenue altogether, or use the means which are necessary to enable us to collect it.

HON. MR. HOWLAN—I think this provision is made for the purpose of prevening the importation of tobacco from the French island of St. Pierre Miquelon. There is a good deal of tobacco smuggled into the country from that island, and the boxes are taken there, filled and brought back.

HON. MR. DICKEY—If that be the intention of the law, why not make it applicable to dealers only?

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

THIRD READING.

Bill (130) "An Act to amend the Interpretation Act." (Mr. Abbott.)

CRIMINAL LAW AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (65) "An Act further to amend the Criminal Law."

On the 1st clause,—

HON. MR. ABBOTT—At an early period of the Session a Bill was introduced in the House for the purpose of making provision for escapes from industrial schools and reformatories. That Bill was withdrawn in consequence of correspondence going on between the Government at Ottawa and the Government of Ontario on that subject, and finally clauses were agreed upon which are embodied in this section of the Bill. Moderate remedies and moderate punishments are provided for escapes, which constitute an extension of existing provisions to cases to which they did not heretofore apply.

HON. MR. POWER—I observe that it makes provision only for cases where the offender is apprehended before the expiration of his term of imprisonment. Supposing the offender is not apprehended until after the expiration of the term—that he escapes detection for some months, and during that time his term of imprisonment expires, under this Bill there is no punishment for the escape. Looking hurriedly through the chapter which this Bill proposes to amend, I do not see that there is any penalty contained in it. Now, clearly the fact that the escaped prisoner is not caught before the expiration of his term should not relieve him from punishment.

HON. MR. SCOTT—It becomes a new crime.

HON. MR. ABBOTT—The view that the hon. gentleman from Halifax presents did not occur to me, and I am unable at the moment to give him any answer to it. If the House will allow the clause to stand I will look into it.

HON. MR. SCOTT—I am quite satisfied that that point has not been overlooked in the framing of the criminal law. It is an old offence, and there must be some provision for it.

HON. MR. POWER—There is a provision as to escapes from penitentiaries, but I do not think there is any provision with respect to escapes from reformatories.

The clause was allowed to stand.

On sections 3 and 5,—

HON. MR. ABBOTT—Sections 3 and 5 of the existing Act refer to the keeping of a disorderly house, and the limit to the age. There are two classes of offences created by those sections. One is the keeping of a disorderly house, where the prostitution of a child under the age of 12 is committed. That is punished more severely, of course, than the prostitution of a girl of more advanced age. The object of this clause, as it stands in the Bill, is to increase the age during which the most severe punishment is administered from 12 to 13. There have been many representations made to the Government desiring the increase of this age to a still greater age. I think the representations made would tend to make it apply to girls under the age of 16, but the Government have found it impossible to consent to such an alteration as that. The age is too great, considering the position that girls occupy in this country as to the age of puberty. Thirteen appears to be sanctioned by usage in England and everywhere else, and the Government adopted the English rule when this amending Bill was framed. In deference, however, to the feeling that has been expressed on this subject, I am induced to

ask the House to increase the age to 14, so that the punishment will be correspondingly severe if the offence is committed in respect of girls under that age.

The amendment was agreed to.

On clause 4,—

HON. MR. ABBOTT—Clause 4 has attracted a good deal of attention and comment, and the age does seem to me to be unreasonably great. I do not myself concur in the theory that women require this kind of protection up to the age of thirty; at the same time, I feel some hesitation in moving that it be changed, since the Government consented, I understand, in another place, to limit the age to thirty. My own impression would be that twenty-one is quite old enough, and if the suggestion were made by any hon. member I would be glad to adopt it.

HON. MR. POWER—I took the liberty of making the suggestion on the second reading of the Bill, that the change the hon. gentleman has mentioned should be made. I do not wish to do anything that might embarrass the Government in another place; still, I shall venture to move that the words twenty-one be substituted for thirty in the section.

HON. MR. DICKEY—I would suggest that if this protection were given to girls while in their teens it would be sufficient.

The amendment was agreed to.

HON. MR. POWER—There is another portion of the clause which strikes me as being rather unreasonable and unfair, and it should either not appear here or it should have a wider application than it has. The clause reads as follows:

"4 Every one who, being a guardian, seduces or has illicit connection with his ward, and every one who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of thirty years who is in his employment in a factory, mill or workshop, or who, being in a common employment with him, in such factory, mill or workshop, is, in respect of her employment or work in such factory, mill or workshop, under, or in any way subject to, his control or direction, is guilty of a misdemeanor and liable to two years' imprisonment."

The alteration in the age makes this clause much less objectionable than it was, but I do not see why this special protection is thrown around factory girls and not given to other girls who are in positions where there is much more danger than in the case of factory girls. As a general thing girls employed in factories are employed in large numbers—25, 50 or 100—to go to work at the same hour and leave at the same hour, and who are under one another's eye, and it really seems to me that the facilities for leading astray girls employed in that way are much less than those which exist in the case of other classes of girls. Domestic servants, I think, are in a much more dangerous position than factory girls. My impression is that as the Bill was originally introduced into the Commons by the Government the wording of this particular clause was different from what it is now. This was the language of the Bill as introduced by the Government in the House of Commons, and I think it is better than the language of the Bill as it now stands, and I would be disposed to reinstate the previous wording instead of the wording we have now. The wording in the Bill as originally introduced is: "who has in his employment, or who being in a common employment with him in respect of her employment, or work under, or in any way subject to his control or protection." I do not see why the particular class of girls indicated by this clause should be singled out for special protection, and I think that we ought to go back to the original wording of the Bill. It has been said, I understand, as a reason for this distinction, that the trade unions ask that the law be made applicable to girls employed in factories. There is no objection to that, but no satisfactory reason is given why it should not extend to other girls who are in the employ of other persons as well as to factory girls.

HON. MR. DICKEY—I do not exactly see the propriety of the suggestion that my hon. friend has made—in the first place, for the reason that he has referred us to the Bill as it was originally introduced, and we now have the Bill in the form it is before us, after the other branch of the Legislature has passed upon it, and the suggestion that we should reintroduce the clause as it existed in the first instance looks very like an invitation to get up a difference of opinion on the point which might endanger the Bill itself. Then there is another reason: If it is made as extensive as my hon. friend suggests, there are reasons apparent on the face of it why it should not be done. If, for instance, it is applied to

persons in domestic service it will put every person who has a girl in his employment under her influence for the purpose of blackmail, and I do not see that is a kind of legislation we are called upon to pass. When the matter was discussed the conclusion arrived at by all parties was that in factories, factory girls, so to speak, are much more under the influence of their masters than they are in domestic life, where they have the protection of their mistresses, so that I do not think the suggestion of the hon. gentleman should commend itself to the sense of the committee.

HON. MR. SANFORD—I cannot see that there is any occasion for special legislation to protect the factory girls. As an employer of labor, and of factory girls, during a period of 26 years, I cannot recall a single instance of prostitution or seduction, and I cannot see at all the necessity for special legislation of this kind. It looks to me to be opening the door for blackmailing, and perhaps taking the advantage of the employer rather than of the employé.

The clause was agreed to.

On clause 6,

HON. MR. POWER—With respect to clause 6, I think it is capable of being abused, unless there is some definition of the term indecent exposure. If any hon. gentlemen reads clause 6 he will see that a person who may be perfectly innocent of any improper motive might be made subject to the penalties imposed by this clause.

HON. MR. REESOR—Leave that to the discretion of the magistrate.

HON. MR. POWER—I think there should be some definition of the offence, so as to exclude an innocent person.

HON. MR. KAULBACH—I think the age of the person should be provided for in this case. Children might expose themselves in that way on the streets, and they should not be subject to the penalty provided by this law. There should be some restriction.

HON. MR. ABBOTT—I never heard of any accidental exposure by a child of tender years being considered an indecent exposure, and I do not think that under the interpretation of this clause any magistrate would so apply it. The language of the clause is the language used in the English law.

HON. MR. POWER—There is no such clause in the English Act.

HON. MR. ABBOTT—My hon. friend will find in the cases a description of the offence.

HON. MR. SCOTT—I do not see any necessity for it here. Ample provision is made for it in the criminal law. The same words are used.

HON. MR. KAULBACH—It should not be left to the magistrate to say whether a child has come to the age of discretion to know how to conduct himself in the street.

HON. MR. DRUMMOND—I really think the clause should be considered, for a man might be put in a very compromising position by some ignorant policeman charging him with this offence, when he had no intention whatever to commit a breach of the law.

HON. MR. SCOTT—The language of the law at present is in no way different, and there is really no necessity for a change.

HON. MR. ABBOTT—I will ask the committee to allow the clause to stand, and I shall see if there is anything in the objection.

On the 11th clause,—

HON. MR. MACDONALD (B.C.) asked if it was intended to make provision for disqualifying persons convicted of polygamy from voting or serving on a jury.

HON. MR. ABBOTT—We could not very well make such a provision in this Bill, inasmuch as that is a question of the franchise. But a disqualification for crime does not exist in the Franchise law of the country.

HON. MR. MACDONALD (B.C.)—What about serving on juries?

HON. MR. ABBOTT—Of course, we should have to put that in the jury law. I took my hon. friend's question to apply to the franchise, and that would be establishing a precedent for the first time of disqualifying for a conviction. Of course there could be no machinery discovered for ascertaining a man's religious belief or sect before putting him on the list. The

only disqualification that could be enacted would depend upon a conviction. Having been convicted of polygamy, it would be possible in the Franchise law to disqualify a person so convicted from exercising the rights of a citizen, but a man who commits murder is not disqualified from voting after he submits to his punishment, and it would be a new principle to introduce in the criminal law to superadd to his punishment disfranchisement.

HON. MR. MACDONALD (B.C.)—A man convicted of murder could not very well vote if he was hanged.

HON. MR. ABBOTT—Men convicted of the most serious and revolting crimes sometimes escape capital punishment. I mention the case of murder to show that the most infamous crimes have not hitherto entailed disfranchisement, except while the offender is suffering his punishment. So that my colleagues did not see their way to embodying that as one of the disqualifications in the franchise law.

HON. MR. MACDONALD (B. C.)—Then with regard to juries?

HON. MR. ABBOTT—I did not enquire into that, but I take it that that would come (under the provisions of the North-West Territories Bill which we are about to pass) within the jurisdiction of the Local Legislature.

HON. MR. LOUGHEED — But this Parliament reserves to itself the power of regulating juries with reference to criminal cases.

HON. MR. ABBOTT—Then it would come properly under this Bill. There is a disqualification, I presume, in the enactment with regard to juries. If there is a disqualification for crime, polygamy might be included in the list of offences.

The clause was adopted.

On clause 18,—

HON. MR. ABBOTT—This clause, in reality, is intended only for one purpose. Under the law as it stood it was questionable whether workmen were not indictable for conspiring not to work, and it is not the intention of the law to punish them for acting in concert in refusing to work, so long as they do not impede other people from working, and it is to make it plain that they have this right that this clause is amended?

HON. MR. DEBOUCHERVILLE—I would like to call attention to what seems to be an anomaly in the law. A threat by letter to burn or destroy is punishable; if the threat is by word I do not see that under the law it can be punished. Should not that be remedied.

HON. MR. ABBOTT—My hon. friend will perceive that there may be threats under section 2 of the Bill which are not in writing.

HON. MR. DEBOUCHERVILLE—It has happened in my experience that a person threatened to burn my house or barn, and I did not know how to get hold of him.

HON. MR. ABBOTT—The law is very long and somewhat complicated, and I cannot detain the House at this moment to see how far I could cover the case which the hon. gentleman desires to meet; but I suppose that a person who threatens another with violence is liable to action for breach of the peace.

HON. MR. KAULBACH—Or to find bail for good behavior.

HON. MR. ABBOTT—I think my hon. friend will find the ordinary police law on the subject is sufficient, but I shall look into it.

The clause was agreed to.

On section 31,—

HON. MR. ABBOTT—This is a clause to make it clear that a prisoner sentenced for any time by court martial may be imprisoned for a time in the penitentiary or in the common gaol. Some judges of the courts seem to have a doubt about that, and this is to make it clear that they have the right so to sentence.

HON. MR. POWER—I do not suppose that any difficulty will arise about it, but at Halifax there are military or naval prisons, and under this clause it is possible that in order to avoid expense the military authorities might sentence their prisoners to the penitentiary, instead of sending them to the military prisons.

The clause was agreed to.

On clause 37,—

HON. MR. O'DONOHOE asked—If the municipality refuses to pay, what becomes of the boy?

HON. MR. ABBOTT—Then the privilege given by this Act is not enjoyed. The magistrate will have to send the boy to an ordinary gaol. These industrial schools are supported by local funds, I presume. That is the reason why their use has hitherto been for the city of Halifax alone, and not for the Province. It is necessary that the legislation in Nova Scotia should be verified before this goes into force. The legislation, I understand, has been passed, but it has not yet been communicated to us, and we desire to see it before we put this in force.

The clause was adopted.

On the 39th clause,—

HON. MR. ABBOTT said: I propose to add some further clauses to the Bill, also with reference to Manitoba, and with reference to this same reformatory. They are similar to, only expanding, those which appear in the Bill. They are as follows:—

"86. If any respectable and trustworthy person is willing to undertake the charge of any boy committed to the Manitoba Reformatory for Boys, when such boy is over the age of twelve years, or as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined to the reformatory by virtue of a sentence or order pronounced under the authority of any Act of the Parliament of Canada, the superintendent of the reformatory may, with the consent of the Attorney-General of Manitoba, bind the said boy to such person for any time not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment; and the Attorney-General shall thereupon order that such boy shall be discarged from the said reformatory on probation, to remain so discharged, provided his conduct during the residue of the term of five years from the commencement of his imprisonment continues good; and such boy shall be discharged accordingly, provided that any wages reserved in any indenture or apprenticeship made under this section shall be payable to such boy, or to some other person for his benefit.

"2. No boy shall be discharged under this section until after the fixed term of his sentence has elapsed, unless by the authority of the Governor General."

HON. MR. POWER—Do I understand that the Attorney-General has the power to bind out a boy?

HON. MR. ABBOTT—Yes; to any respectable, trustworthy person who is willing to undertake the care of the boy.

HON. MR. POWER—Suppose the boy is a Protestant, and the Attorney-General a Catholic, and that boy, against the will of his Protestant parents, is apprenticed to a Roman Catholic farmer in the neighborhood: I think there should be some regard for the feelings of the parents. The parents may prefer to have the boy left in the reformatory rather than have him bound out to a person of a different creed. There is some question whether that unlimited power should be given to the Attorney-General.

HON. MR. GIRARD—Would it not be better in such a case that the parents should give their assent? Otherwise, I think it would be better for the boy that he should remain in the reformatory.

HON. MR. POWER—I think it should be qualified by saying: "With the assent of the parent or guardian."

HON. MR. ABBOTT—A parent or guardian, for the time being, has ceased to have control of him. It is not, by the way, the Attorney-General who binds out the boy; it is the superintendent of the institution, with the assent of the Attorney-General. It seems to me a pity to introduce religion into this question.

HON. MR. POWER—Religion will get in, and we must provide for it.

HON. MR. ABBOTT—The position is, that a boy guilty of an offence is imprisoned under the law, and maintained at the expense of the country. The superintendent, who must be supposed to have some discretion, and the Attorney-General, who must also be supposed to have some discretion——

HON. MR. POWER—That is a rather violent supposition in this case.

HON. MR. ABBOTT—It is very probable, one might suppose natural, if the parents made any objection to a boy being bound out to a particular man that their objection would be respected. At all events, it ought not to be within the power of parents who have brought up their boy in such a way that he commits crime, so that the Province has to maintain him, to prevent the superintendent binding him out because they do not wish to let him go to a person whose form of worship may not be the same as theirs.

HON. MR. KAULBACH—The parents may have done everything for the boy, and yet may have had to send him to a reformatory. In that case I think the feelings of the parents should be consulted. I presume the apprenticeship is not to extend beyond the term of imprisonment.

HON. MR. ABBOTT—It is expressly limited to the term of imprisonment.

HON. MR. MASSON—When a boy is a ward of the Government he is placed in an institution where there are Protestant and Catholic chaplains. That is the provision that the State makes for their moral training. If you place them under a person of a different denomination from the parents I think you are going against the intention of the Legislature and against the intention of the Government in appointing chaplains to those institutions. You are taking away from the child the very protection which it is the intention of the Government to give by appointing chaplains, and putting the boy under the control of persons in whom the parents may have no confidence.

HON. MR. ABBOTT—I do not understand that we are requiring the child to be placed under a man of a different denomination from his own.

HON. MR. MASSON—He may be.

HON. MR. ABBOTT—My hon. friend in his own statement says that the child is the ward of the Government. The Government is for the time being his sole guardian, to protect him from being improperly treated in any way, and I think we may safely trust the superintendent of the institution, who has charge of the boy's education and moral training, and the Attorney-General, who is the supervisor of the superintendent, not to place the boy where he is in any danger of being proselytized. This is the clause which the Manitoba Government request us to pass, and I do not see any reason why we should not accede to that request.

HON. MR. KAULBACH—The object of putting the boy in this reformatory is to improve his character, and that object is lost entirely if you put him out to some one to get the value of his services, regardless of the object for which he was placed in the reformatory.

HON. MR. ABBOTT—I understand my hon. friend's objection goes to the binding out of the boy at all. Is it better that the boy should be kept among criminals, or that he should be put out, as the Government of Manitoba request, with respectable and trustworthy persons, outside of the influences which must surround the very best industrial school? Everybody confined in such an institution must be more or less tainted with vice, or he would not be there, and to remove a boy from such association and place him with a respectable and trustworthy person, in order to make him useful, and to teach him habits of industry, to give him a moral training, and enable him to acquire any other knowledge that would be likely to be acquired in a family, is surely better than leaving him amongst criminals.

HON. MR. POWER—With respect to the objection of the hon. gentleman, that this is a suggestion coming from the Government of Manitoba, it does not strike me that there is any great force in it. This Parliament enacts criminal laws, and to say that because the Manitoba Government has sent us a draft of a Bill, therefore we should not make any alteration in it——

HON. MR. ABBOTT—I never said that we had not the right to alter it.

HON. MR. POWER—No; but the hon. gentleman used that as an argument why we should not. There are a good many things which the Government of Manitoba do which I do not think the hon. gentleman would be prepared to endorse or stand by. I do not think that we should stand by this if it is not fair.

HON. MR. PERLEY—It is a Grit Government.

HON. MR. POWER—Not all Grit Governments are good. I think we ought to have a little regard for the boy's parents. As the hon. gentleman from Lunenburg has suggested, there are cases where a boy may commit some comparatively trivial offence, and get into the reformatory, where his parents have not been guilty of any serious neglect or actual misconduct at all. Just fancy the feelings, we will say, of a good Presbyterian mother whose boy has been bound out to a Catholic farmer!

HON. MR. ABBOTT—I do not believe it would do him any harm.

HON. MR. POWER—In that respect I am glad to say the hon. gentleman agrees with me, but that does not meet the argument. What the hon. gentleman thinks and what I think is one thing, but the conscientious feeling of the parent is another thing, and if there is any place in the Dominion where those feelings should be respected it is in this House. It is a very simple thing to require that before a boy is bound out from the reformatory the consent of the parent or guardian of the child should he obtained. If the proposed change is in the interest of the child the parent or guardian will naturally assent to it. If it is not in the interest of the child, if it is against the religious conviction of the parent, then it should not be done. I do not suppose the hon. gentleman means to say that the religious convictions of the parents should not have some little respect, even from the Government of Manitoba.

HON. MR. PROWSE—It appears to me that it is impossible for this Government or any other Government to legislate for individual cases. The same objection might be raised to almost any legislation that could be proposed. Other denominations might raise the same objection; the boy might have Methodist parents, and the parents might say: "We are not satisfied that our child should be apprenticed to anybody but a Methodist."

HON. MR. POWER—My suggestion is to meet every one of those cases.

HON. MR. PROWSE—The responsibility of the superintendent of the reformatory and of the Government does not end when the boy goes out of the institution. The Government is liable, and the superintendent is liable for the placing of that boy in proper hands. In many of those cases the boy would be much better in the reformatory for his full term rather than be apprenticed out to certain individuals, such individuals as his parents might have been, who are not competent to take charge of such a boy.

HON. MR. O'DONOHOE—It seems to me that the reformatory is a much better school for the boy than a farm. To send a boy out from the reformatory before he has received any education or training is to place him in the hands of some one whose only object will be to get as much work out of him as possible. We, in Canada, are paying for schools all over the Dominion, and why should we, for the sake of economy in the maintenance of a reformatory, send a boy out before he has acquired some knowledge which will fit him to make his way in the world? If a boy is put in at the age of twelve or thirteen for some offence—perhaps for being ungovernable, the reformatory is a training school for him, and he receives an education without endangering his religious state, and by the time he is four or five years in the institution it is probable that he will go out into the world fit to take a respectable position. But if you send him out as a little waif, without any education at all, you leave him forever a waif. I attribute the best intentions to the framer of the Bill. I am only giving the House my impressions on this subject.

I believe that these little ones require to be cared for like all other children, and that they will be better cared for in the reformatory than if they are farmed out. Some of the farmers are, no doubt, like some people of all other classes, benevolent, and may treat such a boy as one of their own, but I have no doubt that others are tyrannical, and would force a boy to work beyond his strength and ruin him in his tender years. I do not believe in the system of farming out those boys. I think it would be better to improve our reformatories and make them good training schools. The people of this country are generously and liberally sustaining these institutions, and they will not grudge the cost of properly maintaining this Manitoba reformatory. For some time to come the population of Manitoba will not be large, and I think we can afford to educate and train these boys properly, instead of sending them out to work on farms.

HON. MR. PELLETIER—I should like to understand what advantage is to be gained by this legislation. When a parent sends his child to a reformatory it is with a view to having him reformed, and if it is thought proper to send him away from the institution, would it not be better to send him back to his parents? Is he more likely to be reformed by strangers than by his own family?

HON. MR. KAULBACH—The parents might not care to take him back.

HON. MR. SULLIVAN—I hope the House will not pass this clause. I have some experience of the way those children are treated when they are sent out to farmers, from my connection with an institution to which children are sent out from the old country. They are given out to farmers with every possible restriction: notwithstanding that, and that they are watched over carefully, every year there are frequent cases in which the institution has to take back children who are treated badly and neglected. The farming out of criminals, even, is a bad system. It is the duty of the State to take care of these boys. They require consideration and care more than any other class of the community, and I think it would be unwise for this House to grant such power to any province. Manitoba is a young, a rising and flourishing Province and is well able to take care of the few children who would come within the scope of this legislation. Therefore, I think it would be unwise, and attended with very great danger, to grant such power to the Provincial Government.

HON. MR. GIRARD—After such an expression of opinion, I hope the hon. Minister will not insist on this amendment. It is certainly fraught with danger, and much as I am interested in the Province of Manitoba, I must certainly protest against such a provision. It appears to be new legislation—at all events it will be new in old Manitoba, and it will certainly be received very badly by the people there. I agree with the hon. gentleman that any child who violates the law should be punished, but when he is sent to a reformatory he should remain there until his term expires. He should not be deprived of all his civil rights. The parents have a certain claim to him which cannot be ignored, and he should not be sent to a private family without their consent. Under the circumstances, I think the Minister should withdraw the amendment. Although it is proposed at the request of the Government of Manitoba, I am sure the people of the Province do not agree with the Government on that point. It would be a great injury to the people of Manitoba.

HON. MR. REESOR—The Minister should accede to the wish of the House and make it obligatory that the parents should be consulted.

HON. MR. ABBOTT—Some hon. gentlemen seem to imagine that this reformatory is a place where parents send their children to be educated and reformed. It is a place where boys convicted of crime are punished by imprisonment, and by the discipline of the reformatory. It is not like some of the industrial schools in the country where a parent can actually procure his child to be sent by an order of a magistrate when he finds him difficult to manage at home. It is a place where boys convicted of offences are sent. The probability in most cases is that these boys have no parents to refer to. They are waifs and strays about the streets of large towns. It does not follow at all that there are any parents to whom they could be sent.

HON. MR. PELLETIER—If they have parents, the parents should be consulted.

HON. MR. ABBOTT—If they have parents it would be possible no doubt for the State, having taken these criminals into custody for the purpose of punishing them, and endeavoring to reform them, to consult the parents. That does not seem to be the view of the Government of Manitoba. I do not pretend that this House is bound to pass a Bill because the Government of Manitoba wishes it to be passed, but I think this House is bound to show some respect for the reasonable request of any Province. It is no answer to my suggestion that we should give fair consideration to this proposal of Manitoba, and that we should attach importance to the fact that Manitoba asks us to pass this law—to say that we have a right to look at projects which they offer us. Of course, we have a right, but on the other hand we are bound by courtesy, to say the the least of it, to consider carefully what they ask us to do before we refuse them. In this case they ask us to give them power to apprentice out criminal boys; they cannot do so without the power being given them for the purpose by this Parliament. I am bound to assume that if the power is given them they will exercise it with discretion. I should be very sorry to refuse their request, but of course it is in the power of the House to refuse it if they think proper. If it would conduce in any way to have a better understanding in the House about the clause I am willing to let it stand for a day or two, until we can ascertain the wishes of the

Manitoba Government, or what reasons they may have for seeking this power.

HON. MR. POWER—No; not for that purpose.

HON. MR. ABBOTT—I think the House would like to have the reasons of the Manitoba Government for asking for this, and that we should consider those reasons before we refuse what I consider very moderate and just propositions. We will let this clause stand for a day or two, and in the meantime communicate with the Attorney-General of Manitoba, informing him of the difficulties which have occurred in the passage of this clause, and enquiring why they desire to have it carried. Perhaps we may find that they do not desire to press it, or that they have excellent reasons for pressing it. We shall act as we always do on the facts that come before us.

HON. MR. POWER—I do not object to the clause standing over, but I must say I do not feel at all convinced by the arguments of the hon. gentleman. We are showing no disrespect to the Government of Manitoba. We have already passed one clause which they asked us to pass, and we propose to pass this clause in deference to their wishes, but I think the feeling of the majority of the House is that there should be some respect shown to the conscientious convictions of the parents of boys who are sentenced to this reformatory. I presume that the Manitoba Government have overlooked this, but whether it is an oversight or not, or whether the Manitoba Government think that no regard should be paid to the religious convictions of the parents, I think this House should not be influenced by their want of toleration. That is what I feel about it, and I think that is the feeling of the majority of the House—that no matter what the personal feelings of the Attorney-General of Manitoba may be, the superintendent of the Manitoba reformatory should not be allowed to bind children out to persons against the will of the parents of those children, where they have parents.

HON. MR. ABBOTT—I should like to know why my hon. friend assumes that the Government of Manitoba are going to be less considerate and humane than we should be? This is a purely permissive clause. The hon. gentleman has no reason that I know of to assume that the Government of Manitoba would disregard all these considerations, when it is proposed to bind out a boy. We have no reason before us to show that they would not consider this question of religion as any other question. We assume, and we ought to assume, that they will exercise this discretion in a prudent and proper manner. It may be that they will make a provision that the parents of the children shall be consulted, and other provisions also, which must be conformed to before binding out a child.

We are simply passing a permissive clause to allow them to consider the subject, and make such regulations about it as they think proper.

HON. MR. MASSON—We are not acting differently with the Manitoba Government from what we would with this Government. Suppose instead of dealing with the Attorny-General for Manitoba it was proposed to give this power to the Minister of Justice, to act the same way, we would make exactly the same objection we are making now. We would not grant to the Minister of Justice the power that we are unwilling to grant to the Attorney-General of Manitoba, which proves that we are not making this objection because it happens to be the Attorney-General of Manitoba who is in question. What we are objecting to is giving to any Attorney-General the right to take a boy out of a reformatory, and place him where he might receive religious instructions which his friends or parents would be unwilling that he should receive. The law has provided that the boy shall be placed in a reformatory, and that while there, he shall be under certain guidance, and it is contrary to the intention of the law that any person shall stand between the boy and his family and place him where a religious training such as his parents would approve of would not be given him.

HON. MR. MURPHY—Might I enquire the reason for objecting to the reasonable proposition of the hon. gentleman from Halifax that the parents or guardians of the boy should be consulted, if they could be found, before binding him out? The Attorney-General might think that we wanted a much more radical alteration if we simply asked him to change that.

HON. MR. POWER—I do not think we should ask the Attorney-General of Manitoba anything about it.

HON. MR. ROSS—I do not see why parents should be consulted in this matter. When they did not succeed in bringing up their boy in such a way as to keep him with them, and the boy is sent to the reformatory, I do not see why they should be afterwards consulted as to the best way to reform him. The parents have shown their incapacity to bring up their child and train him, when he has to be sent to the reformatory.

HON. MR. MASSON—Suppose a young man nineteen years old, has been in the reformatory three years, and the father who had neglected his education, is dead; the remaining parent may be an honest person, but the boy had stolen or committed some offence for which he was sent to the reformatory as a consequence of the bad education he had received, are his remaining relations, who may be honest and honorable people, not to be consulted as to the disposal of the boy? By the hon. gentleman's proposition, he has yielded to the state the responsibility of bringing up the boy, and he allows the Attorney-General to hand over that responsibility to some farmer, who, perhaps, may have no religion himself at all, to educate that child as he pleases. I think the proposal, with all due respect, to the Government of Manitoba, is—I will not say it—the word is too severe. It is an immoral proposition, and if these arguments are submitted to the Government of Manitoba, they will themselves understand that the position they are taking is unjustifyable.

HON. MR. POWER—There is another provision, which, I think from a hasty reading of that clause, needs some amendment. As I read the clause it allows the boy to be bound out for a term extending beyond the period for which he was sentenced.

HON. MR. ABBOTT—With his own consent.

HON. MR. POWER—Still, the boy in the first instance is not over sixteen when sentenced, and if such a boy is asked to consent to be bound out, in order to get away from the restrictions of the reformatory, he would be willing to consent. I think that the hon. Minister should consult his colleagues on this subject, but I fail to see any particular object to be gained by consulting the Attorney-General of Manitoba.

HON. MR. KAULBACH—I did not think it went beyond the term for which the boy was sentenced. No child can be apprenticed without the consent of his parents or guardians when he is not in a reformatory; but here the parents, when the boy is taken away from them, for perhaps a trivial offence, are actually deprived of any control over him, and he may be apprenticed for the full term of his minority.

The clause was allowed to stand.

HON. MR. ABBOTT—I propose to ask the House to pass a clause which will prevent clauses in respect to the Manitoba Reformatory from coming into force until the Government is satisfied that the concurrent legislation which is being made in Manitoba is satisfactory. I submit a clause to that effect:

"40. The provisions of this Act in respect to the Manitoba Reformatory for boys shall not come into force until the same shall have been proclaimed by the Governor in Council."

The clause was agreed to.

HON. MR. ABBOTT—There is another clause which I desire to add to the Bill. There has been some doubt whether a commissioner for taking affidavits can received declarations under this statute. I propose to add a clause as follows, which will make it clear who may administer such official declarations:—

"41. Section three of Chapter one hundred and forty-one of the Revised Statutes of Canada, intituled: 'An Act respecting Extra-Judicial Oaths,' is repealed, and the following section is substituted therefor:—

"'Any Judge, Justice of the Peace, Police or Stipendiary Magistrate, Recorder, Commissioner authorized to take affidavits to be used either in Provincial or Dominion Courts, or any other functionary authorized by law to administer an oath in any matter, may receive the solemn declaration of any person voluntarily making the same before him, in the form in the Schedule to this Act, in attestation of the execution of any writing, deed or instrument, or of the truth of any allegation of fact, or of any account rendered in writing.'"

HON. MR. O'DONOHOE—Are those who are now taking declarations under commission included?

HON. MR. ABBOTT—Yes, everyone who is now authorized to administer an oath.

The clause was agreed to.

HON. MR. POIRIER, from the Committee, reported that they had made some progress and asked leave to sit again.

The report was adopted.

SECOND READING.

Bill (141) An Act to facilitate the purchase by the Pontiac Pacific Junction Railway Company from the Canadian Pacific Railway Company of the Branch Line of Railway between Hull and Aylmer. (Mr. Ogilvie).

ONTARIO PACIFIC RAILWAY BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (123) An Act respecting the Ontario Pacific Railway Company. He said: This is a very simple Bill, asking permission to change the interest on the company's bonds from six to five per cent. None of the bonds have actually been issued. There is also a slight extension of time.

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

SECOND READINGS.

The following Bills were read the second time, on the understanding that they would be debated in Committee of the Whole:—

Bill (136) An Act further to amend the Revised Statutes, chap. 5, respecting the Electoral Franchise.

Bill (BB) An Act further to amend "The Indian Act." (Mr. Abbott.)

GEOLOGICAL SURVEY BILL.

CONCURRENCE IN COMMONS AMENDMENTS.

HON. MR. ABBOTT moved that the amendments made by the House of Commons to Bill (C) An Act respecting the Department of the Geological Survey, be concurred in.

He said: The amendments themselves are unimportant and do not in any respect affect the Bill as we passed it. The two main amendments, (the other being only verbal,) are to provide for a Museum for English Natural History, and to collect, arrange and classify for exhibition, and to provide that nothing in the Act shall interfere with the commissions of the Assistant Directors which have been previously issued.

The motion was agreed to.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Thursday, May 1st, 1890.

THE SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

THE INTERCOLONIAL RAILWAY.

MOTION.

HON. MR. WARK 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 return showing:

1st. What is the rate per ton charged for carrying coal in car loads over the Intercolonial Railway from the mines of Nova Scotia to St. John, Moncton, Newcastle and Campbellton in New Brunswick, and to Rimouski, Rivière du Loup and Quebec, and by the same, with its connections, to Montreal and Toronto?

2nd. What is the rate per ton for carrying flour, wheat and other goods of the same class in car loads from Toronto, Montreal and Quebec to Campbellton, Newcastle, Moncton and St. John in New Brunswick, and to Amherst, Truro, Pictou, and Halifax in Nova Scotia?

3rd. What is the number of freight trains which passed each way between Nova Scotia and Quebec and Ontario, and between New Brunswick and the same Provinces, in the year 1889?

4th. How many trains carried goods from the West to be shipped at Halifax and St. John, respectively, during 1889, and up to the present date in 1890?

The motion was agreed to

THE WELLAND CANAL INVESTIGATION.

MOTION.

HON. MR. McCALLUM 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 Second Report made by A. F. Wood, Esquire, Commissioner *re* the Welland Canal investigation; also, the evidence taken at the said investigation.

He said: Hon. gentlemen are aware that this is not a new question. There was the report of the commissioner laid before the Senate by our hon. leader, and it has been in the hands of hon. members for some time. Another report was published in the *Empire* newspaper the day before the report I refer to was laid upon the table of this House, which was said to be the second report of Commissioner Wood, of his investigation into my charges against the management of the canal. But I see that the right hon. gentleman who leads the Government of this country and has led it for years ably, a gentleman that I have followed a long time——

HON. MR. PERLEY—And we hope he will lead it many more years.

HON. MR. McCALLUM—I hope that his conduct will be such in the management of the affairs of this country, that I shall be able to follow him. The right hon. gentleman made a reply the other day to a question in reference to this report, and I cannot do better than to read it to the House. I find the following in the Commons *Hansard*:—

"MR. MULOCK—There is another matter in regard to canals to which I wish to call attention. During last summer, the public were greatly shocked by an investigation going on with regard to certain matters connected with the management of the Welland Canal, and we have learned in our part of the country, with very great pain, the report of a strife between an hon. member of the Senate, and, I think, to same extent, the member for Lincoln (Mr. Rykert, in regard to the management of the canal. The Senator in question charged some of the officials, if I remember the evidence aright, with profiting with their position, with using some of the public servants for their own advantage, with obtaining material for their own benefit, and so on. I think the Government should lay the report of the Commission on the Table, that we may have an opportunity of seeing if there is anything in these accusations.

"SIR JOHN A. MACDONALD—There were some charges brought against the superintendent of the Welland Canal, Mr. Ellis, by an hon. gentleman of the other House. These charges were made in his place in the Senate, and he gave specific statements as to certain shortcomings of the local superintendent, and the Government granted a Commission to investigate that. A gentleman was appointed for the purpose, whose report, I think, has been laid on the Table of the House.

"MR. FERGUSON (Welland)—Yes; weeks ago.

"SIR JOHN A. MACDONALD—The report speaks for itself. There have been some irregularities, but the integrity of the officers has been maintained by the report of the Commission."

Did the right hon. gentleman read the report? He says that it speaks for itself. Let us see what it says and what sustains the integrity of the officials on the Welland Canal. He does not say himself that the integrity of the officials has been sustained, but that it has been sustained by the report. Now the commissioner's report is before Parliament, and you have heard from the hon. gentleman from Belleville (Mr. Flint) the sort of man the commissioner is. I have no reason to doubt—on the contrary, I believe implicitly every word that the hon. gentleman said on that subject. I may go a little further and say that if the right hon. gentleman who leads the Government, and the Minister of Customs, knew the character of Mr. Wood, they could only have sent him on such a mission on the theory suggested by my hon. friend from Belleville—of sending a rogue to catch a rogue. Now let us look at the report and see whether it sustains the integrity of those who are managing the Welland Canal. If it does, I am satisfied, because I have no feeling in the matter except a desire to see this great public work properly managed. The report says that twenty-seven employés on the Welland Canal were working for Mr. Ellis, the superintendent; that, of these, Mr. Ellis paid ten—now, who paid the other seventeen? The evidence will show that the Government of this country paid the other seventeen. The commissioner admits that the officials did wrong, but he says that they did not mean to do it. Now, if in taking money out of a man's pocket I get caught, it is a poor excuse for my conduct to say: "Oh, I did not mean to do it." The rest of the report is a good deal of that character. The services that Mr. Ellis had from these people, for which the Government had to pay, cost the country various sums, from one dollar to one thousand dollars each. How, therefore, can my leader say that the integrity of the officials was maintained, when, as I have shown, the money of this country has been taken by Mr. Ellis for his own use and squandered? I have, on another occasion, referred to the manner in which the public money was paid to Mr. Miller for work done by Government employés. One of these cases was that of the work done on Mr. Demare's house. Mr. Wood was so anxious to cover up the shortcomings of Mr. Ellis that he says that this is all explained by the evidence. Let us see how far it is explained. The commissioner says that Mr. Miller put in a certificate from the Government showing that he charged himself $89.50, and he makes that do duty to try to cover up this corrupt job, though the item refers to another work altogether which was done two years afterwards—work done on John Reid's house, which was occupied by Roger Miller himself. He sent the Government men to work on it, whether it was a judicious thing to do or not, but he allowed the Government so much for that work, because the Auditor General's Report shows that. The commissioner must certainly have thought that the people of this country were asleep, if he supposed that he could cover up the shortcomings of these people in that way. Now, here

is the item in the Auditor General's Report laid before Parliament last year: "Roger Miller, at $5 a day for 412 days, $2,060; less labor on house, $89.50," but that was only a house of Reid's that he was occupying. The place where the work was done was the overseer's house. The Government furnished all the material and did the work, and yet the commissioner tries in this way to cover up that corrupt job. You may remember that this Roger Miller is the man who was speculating in rubber boots, and was hiding it from the Government. To show you what an important man this Roger Miller is, I may say that we paid him $610 for horse hire that year. I must refer to the arrangement made by Mr. Ellis, on behalf of this country, with Roger Miller, for the repairs of that house. It really cost the country $1,100, but in order to throw dust in the eyes of the public, the commissioner puts down the amount at $500. This is the building where they found a swamp in the cellar, as I explained to this House, when they wanted to cover up a job. To my knowledge that house had been standing for forty-five years. It had a stone foundation, with a vault in it 9 by 10 feet. I wish to read the agreement put in by the superintendent of the Welland Canal in the evidence, and I do so because I do not expect that the evidence taken before the commissioner will be published, and I may not be back here next year—I have no lease of my life. I want the facts to go to the public, and I say that unless this evidence is published the people will not believe that there is nothing to hide in the management of the Welland Canal. What does the second report, which was published in the *Empire*, say? Even Mr. Wood has to admit that by proper management on the Welland Canal a saving of $10,000 a year can be effected, besides $10,000 that is now wasted. That is $20,000 a year, and Mr. Ellis has been managing the Welland Canal for ten years. In that time the country has lost $200,000 by Mr. Ellis' management, according to the commissioner's own showing. Are the people going to stand this loss in order that Mr. Ellis may lord it over the people on the Welland Canal? I mention this for the purpose of showing members of the Printing Committee that if they publish this evidence it will be money well spent, because it will be a warning to evildoers hereafter. I may not be here next Session, or, if here, I may not speak on this subject again, because I do not want to be constantly urging on the Senate the importance of the proper management of the public works of Canada. Here is the contract for the work done on the overseer's house, as it was laid before the commissioner:—

"ST. CATHARINES, Friday, 4th Oct., 1889.

"The Commission met at 10 a.m.

"The Commissioner, at the request of Mr. McCallum, orders that the following documents be incorporated in the Reports:—

"SUPERINTENDENT'S OFFICE, WELLAND CANAL,
"ST. CATHARINES, 30th Sept., 1889.

"A. F. WOOD, Esq.,
"Commissioner.

"DEAR SIR—I beg to hand you the memo. of agreement, &c., with Mr. Miller for the alterations on the house, Port Dalhousie. There was no written contract for the Martindale Creek bridge, but Messrs. Miller Bros. built the cribs of the bridge under a verbal agreement with me at 35 cents a foot, lineal, and the trusses of same at 30 cents, and the oak plank at $40 per M. feet.

"Application will have to be made at Ottawa for the contract for building pontoons.

"I here hand you the book that contains the details of my annual requirements for expenditure on the canal for years 1886, 1887, 1888 and 1889.

"Yours obediently,
(Sgd) "WILLIAM ELLIS,
"*Superintendent.*".

"WELLAND CANAL OFFICE,
"ST. CATHARINES, June, 1886.

"SPECIFICATION of works to be done in pulling down all requisite floors, partitions, stone-built safe, and other parts of the building used as Toll Collector's and Customs Office at Port Dalhousie, and also the adjoining old lock tender's house, and converting the two into one dwelling house in the manner described as follows, and also making certain improvements in Lock-tender Woodall's house adjoining.

"LOCK TENDER'S HOUSE (DEMARE'S).

"Remove floor of kitchen and rotten joists, take out mud and silt underneath down to a depth of 16 inches, refill with 10 inches of clay well packed down and cover all with 6 inches of water lime grout, the top surface to be trowelled off smooth and inclined from each side towards the centre so as to make soakages to discharge into a drain that is to be built of 2 inch oak plank with opening 8 x 6 and laid to discharge into harbour 160 feet distant, and to prevent rotting of joists and floor, and make it more healthy; replace old joists with new ones 3 x 10 properly bridged, cover same with 1¼ matched flooring, cut opening through stone wall between kitchen and vegetable cellar, and fill in same with door-frame and door, top panels of which shall be glass, remove old plaster from ceiling, and all loose or broken plaster from side walls and replace same with two coat work, the last of ceiling to be hard finish. Paint all woodwork 3 coats of lead paint—paper side walls.

"*1st flat, Demare's House.*

"Remove narrow enclosed stairs, and replace same with proper open stairs with turned balustrades and newel post and suitable handrail, remove old door frames and replace same with one containing side

and transom lights, with upper panels of doors composed of glass, so as to admit light to hall of stairway. Take all window frames and sash and renew with new and suitable blinds.

"Make opening in wall and fill in same with window frame and sash, remove partitions, prepare same in proper positions to arrange rooms and hall as shown in accompanying sketch, make opening 7 x 8 in wall and fill in same with pair sliding doors (or rolling) remove old back stairway and change opening iuto closet. Remove wornout sash and replace same with new sash and glass, four lights to window, repair broken blinds, remove all loose or broken plaster and replace same with two coat work. Paint all woodwork three coats, paper all side walls with 15 cent paper for bedrooms and 30 cent for parlor or sitting room and ceilings. Put new base everywhere where required. Fit windows with storm sash; take down old stone chimney and build new ones with brick; take up floor where worn through and fit in new carpet strips throughout all rooms to shut out cold and keep out vermin. Three rooms to be grained.

"*2nd flat, Demare's House.*

"Remove partitions where required and replace same in proper position to make hall and bedrooms as shown; close up old chimney in hall, make opening in outside wall and fill in same with window frame and sash; remove broken or loose plaster and replace same with two coat work; all bedroom door frames to be constructed with transom lights over, and fitted with proper transom lifters; old stone chimney to be removed and replaced with one of brick built in proper position and carried usual height above roof. All woodwork to have three coats of lead and oil, side walls and ceilings to be prepared; remove all wornout sash and replace with new. Put down carpet strips all through. Replace all wornout flour with new. Put trap in ceiling for examination and fire safety. Put down new base where required.

"Remove all old and damaged hardware everywhere throughout and replace with new. Put sash fastenings to all windows, and put shelves in all closets where required, and sufficient hat and coat hooks to all rooms.

"*Basement of Toll Collector's and Customs Office.*

"Remove all requisite earth and cover floor with 6 inches of cement grout, remove old stone vault, removed decayed door frames and replace with new; lath and plaster ceiling; construct wash-room 10 x 12 in position as shown, wainscot side walls of same 3 feet high, remainder and ceiling to be lathed and plastered two coats; cut out for and put in window frame and sash and blinds in outer wall; paint all woodwork two coats.

"*1st flat, Collector of Tolls' Office.*

"Take down old stone vault and remove iron doors and frames of same the outside. Brick up division wall, remove stair and partitions, lower entire ceiling 18 inches so as to admit head room of 2nd flat. Replace partitions in proper position to make rooms as shown. Remove door frames and door in outer wall, and close same in proper manner, so that the outside finish will not show that it has been done. Remove worn sash and replace same with new ones and glass, containing four lights glass. Remove all loose or broken plaster and replace same with two coats work. Paint all woodwork with three coats work; paper all side walls and the ceiling of main room. Repair broken blinds. Put down base boards and carpet strips. Provide storm sash, remove box-stairs and replace with open ones, hand mould all casings.

"*2nd flat.*

"Put down new floor and remove all partitions and replace them with new ones, putting down new base boards all through. Remove old chimney, and build new one in proper position and carry above roof. Remove all loose or broken plaster and replace same with two coats work. Paint all woodwork with three coats lead and oil. Bedroom door frames to be constructed with transom lights and to have proper transom lifters. Remove all old sash and replace with new ones containing four lights glass. Repair broken blinds, and put down carpet strips. Put new window frame, sash and blinds in side walls. Fit storm sash; put shelves in all closets, with proper number hooks for coats, &c.; paper walls throughout.

"*Lock Tender Woodall's House adjoining.*

"The basement of this house to be treated in all respects the same as provided and specified for the basement of Demare's house adjoining, both being in the same rotting and unhealthy condition, requiring renewing and thoroughly refitting and draining throughout, by digging out and removing earth, laying in lower new drain to harbor, concreting and cementing floor, putting down new floor and joists in lieu of old ones removed. Put down strips in all angles, remove plaster and ceiling and renew and complete same and elsewhere where broken or loose. Paint and paper complete. Remove old sash and replace with new; fit storm sash; repair wainscots.

"*1st Flat.*

"Remove old sash and replace with new ones containing four lights glass, repair blinds, paint where required, fit storm sash.

"*2nd Flat.*

"Cut opening through outside wall and fill it with new window frame, sash and blinds complete to light and ventilate dark room, fit storm sash, repair blinds, paint where requisite.

"*Summary.*

"All the above works mentioned in this specification are to be completed in the best and workmanlike manner, and all materials of their respective classes are to be of first-class quality. The wall paper to be of such a quality as to average at least 15 cents per roll. Should any detail be omitted, it is clearly understood that the work shall be completed in a full, proper and satisfactory manner, and left in the condition that the spirit of the detail clearly intended. The work should be completed for the amount tendered and without further charge. It is to be understood also that the utmost despatch is required to be used in this work, and the full force of competent men kept at work so that the tenants shall not be required to vacate or keep out of the renewed premises for a longer period than four weeks from date of commencement of work. The work is to be done to the entire satisfaction of the Superintendent of the Welland Canal; no payments to be made for the work until all is completed in a satisfactory manner.

"WILLIAM ELLIS,
"*Superintendent, Welland Canal.*

"PORT DALHOUSIE, 20th June, 1886.

"WM. MILLS, Esq.,
"St. Catharines.

"DEAR SIR,—Having read over the specifications *re* the proposed change to the lock tender's and collector's house at Port Dalhousie, and having given the work a thorough examination, I am prepared to undertake the completion of the same, (guaranteeing the work shall be completed to your entire satisfaction) for the following sums, viz. :—

"Demare's house.....	$500
Collector's house.....	400
Woodall's house.....	135

I note your clauses *re* the spirit of the specifications and the fulfilling thereof, and am willing to abide thereby, with this proviso added and understood;

that should you desire a change from the sketch and that change clearly adds to the cost, then I should be allowed the difference in cost of work. I am prepared to commence the work at once, and will complete it as promptly as is possible, consistent with first-class work.

"I remain,
"Respectfully yours,
"ROGER MILLER.

"The above tender for the work as described in the specifications is hereby accepted.

"WILLIAM ELLIS,
"*Superintendent.*

"WELLAND CANAL OFFICE,
"20th June, 1886."

The cost of that work is $1,035. Of course, the document is rather long, but it deals with the whole thing. Evidence was taken which showed that they did all of this work, and dug a ditch to the harbor, and the commissioner puts that down at $500 in order to minimize the importance of the work. The report shows like that all the way through. He tells us about the damage, a year ago last January, to the Welland Canal, by the superintendent's neglect to close the gates at Port Colborne; but he tells us that Mr. Ellis did not do it on purpose, and because he did not do it on purpose he should not be punished for it. Of course, one could overlook neglect of that kind if he was all right otherwise, but this money for the seventeen men that worked for him, which the country paid, and which he put in his pocket, that is a thing which the people of this Dominion cannot stand. Sir John A. Macdonald says that the report speaks for itself, and I am referring you to these facts to show how the commissioner arrived at the conclusion that, taking into consideration all the facts, if the men were not paid by Mr. Ellis it was an oversight. I alleged that men were paid for work on the Welland Canal that they did not do at all. What does the commissioner say? "I find no evidence to sustain this charge besides the Assell case." You will see an effort all the way through this report to try and cover up this sink of iniquity. Now, what is the Assell case? Mr. Ellis tells his clerk in the office to put Mr. Assell's name on the pay-list though he was not working at all, and he keeps his name on that list, returns him 654 days work and tells the paymaster to pay him, until this man received $817.50 out of the public treasury for which he never did one day's work during the whole of this time. Yet Sir John Macdonald says that the integrity of this official is maintained by the report. Very good. That will be for the people of this country to judge. The Commissioner admits that charge No. 7 has been clearly proved, and I have nothing to more say about it. He reports that a scow was used by Hutchison for a short time, and Ellis did not think it worth while charging for it. The Commissioner says there was a charge of cement belonging to the Government having been used in the rubber factory. By Mossip's evidence this was a mistake. The Commissioner makes everything a charge—particularly if it was not proven—to magnify the number of charges against Mr. Ellis, and then misquotes the evidence, and ignores things of importance to cover up this man's misdeeds, that were proven, as much as he can. Of course, it was proved clearly that the scow went through the Welland Canal with a load of stone and cement; that the cement and stone went through the canal as Government stone and cement, and the inference is, from the evidence, that it was Government property. You cannot take it otherwise, but he tries to cover that fact up in the report. That stone and cement were used in what is called the rubber factory, a hole into which a lot of the money of the people of this country was sunk. He says that that was a mistake; I say it was not a mistake; and that Sutton, a lock-tender, who built the foundation of the rubber factory, says that he used the cement. Mossip's evidence does not say it was used, but carried by the scow. The Commissioner says that there was no cement used. He could not have read the evidence, or must have been wilfully blind, when he says there was no cement used in the bottom of that rubber factory:

"It was proven that James Dell, overseer, took plank belonging to the Goverment. Dell appears to be a faithful officer, and I attach no particular value to plank taken by him."

No; of course not. There is an evident intent throughout the whole report to cover up matters, and it looks to me as if this gentleman was sent up on that commission for a certain purpose. The more I read the report the more it confirms my impression that the Commissioner is endeavoring to excuse wrong-doing and not to expose it.

Now, as to moneys received and not returned at the proper time: That is one of the charges I made in this House, and the

Commissioner reports "this charge is sustained, but is qualified." Now, see the qualification:

"Former superintendents did not give an account of the moneys until the end of the year."

That is the qualification, but the former superintendent of the Welland Canal was sacked for his conduct, and although Superintendent Ellis has been guilty of more transgressions than all the former superintendents put together, he has not yet been dismissed. I charged Mr. Ellis with having kept some of the public money for a year and ten months, and that fact is proved by the evidence and report. What did he do with it? Why should a Government official collect public money, and keep it in his possession a year and ten months, when he should have handed it over promptly to the Government? Still, we are told by the report that his integrity has been sustained. Sir John Macdonald is a lawyer, which your humble servant is not; but I know all about this evidence, and I can read, and I can judge a little between what is wrong and what is right, and with all due deference to our right hon. leader, I disagree with him entirely, and every man in this country who is not biased in his opinion will disagree with him also on this matter, when the evidence is made public.

Now, as to the question of management of moneys and Demare giving more trouble on the canal than any other man, we will see how he slides over this charge. Last year I put in a list of certain moneys that the Superintendent had collected, and the Commissioner reports: "If this be a fact, it is not sustained by any of the evidence." I say that it is sustained by the evidence. I give the report a flat contradiction. The Commissioner says Mr. Neelin, M.P.P., gives Mr. Ellis a very high character. Well, if he does, that character is not based on evidence taken before the Commissioner.

The Commissioner reports: "Demare says he mailed ten dollars in the post office in the presence of Roger Miller." Demare did not say anything of the kind; he did not say that Miller saw him put it in the post office; but he said he saw him put it in an envelope. But why should he send it to the post office at all, when all he had to do was to step one hundred yards and pay it in to the proper office? The Commissioner says: "I see there is no reason to doubt Demare's statement in regard to the letter, as it has undoubtedly gone astray in the mails." But what about the ten dollars he paid himself out of the sum collected from the schooner "Leighton" and the eight dollars from the barge "Manitowac?" This ten dollars has never been explained, and the other ten dollars, the Commissioner says, was lost in the mails. I do not know what authority the Commissioner has for saying that. My hon. friend from Belleville said the other day that the Commissioner was once a postmaster himself, and perhaps he can understand it. The Commissiner makes no reference to the ten dollars and the eight dollars collected from those vessels I have mentioned. Every word that I said here in this House I believe to be true, and I have not over-stated the case at all. If a man goes in the witness box and swears to one thing, and three witnesses swear to the reverse, would you believe that man's evidence? The Commissioner knows that these items were not accounted for, and when he tries to palm this man off on the country as an honest man, I say it is too transparent altogether. Then, what about farming out the Government land on shares and swearing that he received no portion of the crops? We have the evidence of McGraw, Moriarity and Brownlee, who swear positively that they all gave him a portion of their crops, grown on the Government land. This is the man that the Commissioner says Mr. Page gives a good character of. Mr. Page says that he is skilful and energetic—no doubt, skilful and energetic in his own interests, but not in the interests of the public, as the evidence shows, when he farmed out the Government land on shares, and then swore that he got nothing for it. Then, with reference to the trouble at the aqueduct the Commissioner reports that Captain Saurin was entirely in the wrong, that clearly the charge was not sustained, and that the officials were trying to do their duty. I contend that this charge is clearly sustained by the evidence of Charles Carter, harbormaster; of Captain Saurin, of Captain Ross, of Robert Simpson, of Sperry Carter and others, and in spite of all this proof the Commissioner has the audacity to say that the charge was not sustained. All I ask is that the evidence taken before the Commission be published in full, and allow

the public to judge between the Commissioner's report and my statements. I said last year in this House that the Government of the country had increased Demare's salary by $300, on the recommendation of Mr. Ellis. The Commissioner reports that this officer has extra duties to perform which entitled him to the increased salary. I know that that money has been paid from that day to this, and paid illegally, as there is no Order in Council to sanction it. If there is, I never could find it. I wrote to the Auditor General to ascertain if there was, and he could not find any Order in Council to sanction it. By reading the report carefully, the effort of the Commissioner to cover up that $300, and to show that this officer was deserving of it, is plainly seen. He tries to cover it up by describing in detail the duties Demare had to perform, the tools, implements and stores used on the canal that he has charge of, to see that they are in readiness for any and every purpose during the season of navigation through the line of the Canal. I question very much if the Commissioner saw the tools that he describes if he would know what half of them were for. He says that the evidence taken against Mossip to destroy his character is very much hearsay evidence. So it was. The Commissioner allowed anybody on the other side to give hearsay evidence, but he would not allow me to put in evidence of that kind to prove his good character. The Commissioner reports that Demare had much to do with the band hall; that he ought to know all about it, and he saw no reason to doubt Demare's testimony. I disagree with him altogether on that. I say that he must be wilfully blind, or that he did not read the evidence, or he would have made no such report that "he had no reason to doubt Demare's testimony." I referred on a previous occasion to the gas question. The Commissioner says: "I have watched the evidence taken in reference to this question, and I find that not in one single case has the public service suffered by the gas being turned down." I think I said before that Mr. Ellis is a good looking man, but I do not think the Gas Company of St. Catharines would give him free gas and free fuel merely because of his attractive appearance. They are not the men to do it, and even Mr. Merritt admits that he consulted with him about turning down the gas on the Welland Canal, though the Commissioner says nothing about that, and every thing is said to favor him in the report. The Commissioner could not have read the evidence of Captain Hume, Edward Armstrong, Adam Kennedy and others, and the evidence in connection with the drowning of Clark and Miss Kennedy. If he did, I take it that he was shielding illicit conduct in reference to this gas question to cover up a corrupt act. The Commissioner reports that Mr. Ellis knew nothing about the arrangement with Abbey for borrowing money to pay his debts until some time after. The evidence shows that this arrangement went on for eight months, and that Ellis knew all about it a month or so after the arrangement was made. The Commissioner simply says that it was not a satisfactory arrangement; but the Commissioner, in questioning J. B. Smith, who made the arrangement, said if he could have dealt in this way with Abbey, what was there to hinder him from dealing with a hundred others of the employés in the same way? I say if he could, what control could he have over those men after he was in their power, having borrowed money from them to pay his debts? The evidence of Smith is that he told Mr. Ellis about the arrangement, and what did Ellis say to him? He simply asked him to keep it quiet and not say anything about it that might make it public. There was a charge that Roger Miller used Government material and labor which he did not pay for. The Commissioner gets over this by reporting that the suspicion arose in mixing construction and repair work. It makes very little difference to the Governement of this country whether we pay two or three hundred dollars more on repairs or construction, as far as the people are concerned, so long as they get the work for it; but here is a man having a contract with the Government for building this pontoon, for which he was paid $3,200, and the men in the employ of the Government, as shown by the evidence, worked on this pontoon and were paid by the Government. How could the Commissioner get mixed on this question of construction and repair if it was not to cover up a job? That is the way the Commissioner takes to get over it, but he cannot get over it with me, for I was there and saw for myself. Speaking of the leases of

the water power, he says that what the Government was bound to do and what was the duty of the lessees appears to have been very indefinitely defined, and the result has been that the Government has evidently done more than its share. There is evidence to show that the Government has built very important structures for those who hold leases on the Welland Canal, and particularly for the Water Power Company. I have shown that we get $500 a year from one company and $150 a year from the other, and that it costs us two or three thousand dollars to keep that work in repair. That is not a good investment for the people of this country. The leases between the Government and the hydraulic company, and other leases along the canal, are kept in the canal office at St. Catharines, and if the Superintendent had examined them he would have found the duties and responsibilities of each party to the lease to be well defined. The Commissioner recommends that there should be a definite decision in this matter without delay, and that there is hardly an excuse for not having done it long ago. I say it is well defined by the leases already, and although the Commissioner rebukes the Superintendent for doing work at these water powers without the authority of Parliament, his object evidently is to cover up the wrong-doings of others, which is quite apparent to any one who examines the leases and reads the evidence. He refers to the charge that Henry Vanderburgh collected a considerable sum monthly for railway hire, amounting annually from $125 to $165. He is mistaken as to the amount (he collected from $165 to $200), while he travelled upon accommodation tickets costing not over a third of the sum charged. The evidence shows that all he paid was from $32 to $36. This is proved by Vanderburgh's own testimony. The Commissioner reports that Ellis should have seen to this and matters of a similar character, and that in not doing so he, as a matter of fact, followed the practice of former superintendents; but Mr. Ellis claims to be a better superintendent than these. No superintendent on the Welland Canal ever followed that practice, and if he did it would be no excuse, because other superintendents got dismissed for wrong-doing; and when Ellis claims to be a better superintendent than the others I am not going to give my opinion as to how good a superintendent he is. The people can see that for themselves when they have the evidence before them and the report that has been submitted to Parliament. Mr. Wood was a nice gentleman to send to take evidence of wrong-doing on the Welland Canal. He sat at the head of the table, and treated me very gentlemanly all the way through, and very kindly, too, except when he ruled against me, until the last day, and then he thought he was going to run the whole thing—that he was monarch of all he surveyed—but he did not get away with me at that time. The report speaks about the paint that was used not being satisfactory; but see how the Commissioner gets over that. He says: "But the men employed were not skilful painters; they were paid sufficient wages, but did not get a satisfactory result." I have told hon. gentleman what a beautiful paint it was. It was proved by witnesses that it was sticky enough to catch flies with, and the lock-tenders when they went near it stuck fast to it, and had finally to cover it up with canvas. The men employed to do the work were Doig and Johnson, members of the Port Dalhousie band, and the job of painting was given them by Demare, who was president of the band. Members of the band must be employed to paint, even though they were botch painters. The Commissioner says: "I have seen the list of subscriptions to the testimonial, which was between six and seven hundred dollars; and he adds: "I ruled out evidence in this case, as I consider it a private matter." There is no doubt the Commissioner ruled out evidence, as it was shown that the subscribers received a *quid pro quo*. In reporting about Shiner's Pond bridge the Commissioner says: "The position of Mr. Ellis in the matter was very uncomfortable. Mr. Page, in his evidence, reported against it, as Mr. Ellis had no instructions in the matter from the Department. The cost of the bridge was $1,000." Ellis hid the building of this bridge from the Government, though the Government was pressing him to give explanations of the extra expenditure of money on the canal and elsewhere. Is that the kind of a man to be kept in the employment of the Government on the Welland Canal? He built the bridge against the report of the engineer. The

Commissioner says so himself, and the evidence will show that every statement I made on this matter was perfectly true. When the Government were pressing him for explanations for the extra expenditure of money, and where it was expended, he wrote an explanatory letter, which I quoted in my remarks on the 10th February last, in which he said nothing about Shiner's Pond bridge, but goes over a whole year's business trying to cover this up with others. In his report the Commissioner refers to the repairs on Demare's house, which he says, "were done without instructions, by verbal contract with Roger Miller, for $500." The Commissioner says this was explained satisfactorily by Miller, Demare and others, and adds: "I am of the opinion that the work was necessary. It was well done, and only the proper parties paid for the work performed." The Commissioner refers to Alexander Muir's evidence as giving Ellis a good character, but what does Alexander Muir say? He says that his vessels were detained on three different occasions by Mr. Ellis. Two vessels were detained in the canal with 28 men on board—detained all night, when a gallon of oil for light would have put him through. The Commissioner says nothing about that. The Commissioner further says that Cloy's evidence is "favorable to the management of the canal," though that witness swore that boats were fined for towing in the canal, when, by the circular put in by Ellis, he had no right to do it. He says: "The evidence discloses great irregularities in the return of moneys as fines and other moneys collected," and reports "the extenuating feature is an account kept of the canal. While the accounts were irregular, the Government received the full amount of sums collected." That is a mistake. The evidence shows that the Government did not receive the full amount collected—$10 from the barge "Hall;" $10.00 Demare paid to himself from the schooner "Leighton," $38 for the use of pontoon and $8 kept from the barge "Manitowoc." Referring to the Assel case he says: "I consider it not only blameable, but entirely unwarranted, but not purposely dishonest." Of course not—not purposely dishonest. This man could not do anything dishonest—not "purposely dishonest." The Commissioner's object seems to have been to cover up and cloak Ellis' dishonesty or shortcomings, from the evidence quoted by him and his report; therefore, he could not find him purposely dishonest. Even when he was taking thousands of dollars worth of labor, for which the people paid, for his own private use, he was not acting dishonestly according to the Commissioner. He considers that when Mr. Ellis got free gas and received testimonials it was most unfortunate. He says: "Mr. Ellis cannot fairly be charged with dishonesty of intention in his management, but such a transaction throws a grave suspicion on him." Then the Commissioner points out that "Mr. Ellis clearly exceeded his duty and assumed powers never contemplated by the Department of Railways and Canals when he constructed, without authority, the Custom house, docks and bridges along the canal." The Commissioner further says that: "In doing all this, Mr. Ellis did not act for the purpose of concealment, and thought he was doing good service." If he did not do it for the purpose of concealment, why did he conceal the work done on Shiner's and Disher's bridges? And when the Government asked him to explain why he was spending so much money, he did not give them the information.

The Commissioner says, with respect to the bridges and chutes claimed to be done by private parties, and work at Riorden's pond: "It is difficult to decide how far Mr. Ellis was right or wrong in permitting such work to be done." I cannot see what difficulty there was in defining what part should be done by the Government, because the leases distinctly defined that they should be done by the lessees. But there is the same desire shown by the Commissioner to cover up all their wrong-doing. He says that, "There is a responsibility for damages caused by the storm of January, 1889," and he adds: "The evidence proves that Mr. Ellis neglected his duty, not wilfully but from a want of appreciation of its importance in this particular case." He admits Mr. Ellis neglected his duty. Whoever supposes that a man who is receiving a salary of $2,900 a year for his services, and $300 a year for horse-hire to take charge of an important work, would wilfully destroy that work? It simply shows how this Commissioner was put to his wits end to cover up this sink of iniquity on the Welland Canal. The Commissioner says: "It does not appear that the damage will be as large as estimated,

but it is very serious, and the responsibility equally serious on the Superintendent." Mr. Page's evidence shows that the damage and loss to the country did amount to $25,000, and there is no evidence to the contrary. The country is to lose $25,000 through the neglect of this man, who is paid for managing the Welland Canal. I will not take up the time of the House any longer with this matter. I could go on for a week discussing it, but I hope I have good sense enough to avoid tiring hon. Senators. I will say, however, before sitting down, that this official is wasting the people's money still. I hold the Government responsible for it. The people of this country will hold them responsible, when they find, as the report, when laid on the Table will show, that the officials are not discharging their duty in connection with the management of the Welland Canal. The disaster by which the country lost $25,000 is not the only one which has resulted in serious loss on the Welland, as you will see by the following paragraph, which I find in the St. Catharines *Star* of the 23rd inst.: —

"WHO IS TO BLAME?

"The water was let into the old canal at Allanburg on Tuesday, at 4 o'clock, and the work at the broken Lock 13 not being completed the work was flooded during the night, destroying the new cement work to a large extent. To-day the gates at Allanburg have been ordered closed, and the work of unwatering the canal again is begun, thus delaying the opening of the old canal some days.

"Another account says: The men had hardly completed work on Lock 13 as the water whirled into the canal, and in consequence the tools, etc., got pretty well mixed up, making it impossible to tell which was which."

Now, anyone who knows what it is to use cement in a stone wall will understand the sort of judgment that was exercised in letting water into the canal before the cement was dry. I have a letter stating that they did not even puddle behind the wall, but threw clay into the water beside the locks. That is the way work is done on the Welland Canal. No doubt it will have to be done over again next winter; yet the Government persist in keeping incompetent men in charge of this important work. The Premier says that by the report of the Commissioner the integrity of Mr. Ellis is maintained. I disagree with the right hon. gentlemen. I say, let them lay the evidence on the Table of this House; let it be published and distributed through the country, and I have no fear that the people will sustain me, and not my leader.

HON. MR. ABBOTT—I do not think that my hon. friend has shown that he differs from me or from the head of the Department of Railways, because neither the head of the Department, nor myself, has pronounced any opinion, so far as I know, upon the conduct of the official of whom my hon. friend complains. The facts of this matter are just these, as I am informed: About the commencement of this session of Parliament the Commissioner made his report. This report is the result, according to him, of his enquiry. He accompanies this report with a quantity of evidence—my hon. friend knows exactly how many pages it is. I do not.

HON. MR. McCALLUM—I can tell you, if you wish to know—it is 2,371 pages.

HON. MR. ABBOTT—He sends a report giving what he conceives to be the result of the evidence, which appears in 2,371 pages. That report, as I say, was laid before the Government a little after the time of the commencement of the present session of Parliament. Another report—an informal report—was sent in by the Commissioner, and for a time the Government were doubtful whether they should treat this second report as an official document at all, or regard it in any way. I told my hon. friend that if they should conclude to use it I would lay it on the Table of the House without any further motion. I have to-day discussed the matter with the right hon. gentleman who presides over the Department of Railways, and I understand that in consequence of the business with which he has to deal during this session of Parliament it has been impossible for him even to read one page of these 2,371 pages of evidence, and therefore it has been quite impossible for him to come to any conclusion as to the correctness or incorrectness of Mr. Wood's report, or as to whether or not the charges which my hon. friend has made against Mr. Ellis are well founded or not. It has been utterly impossible for him, under the pressure of business which he has to carry during a session of Parliament, to study so voluminous, so enormous a quantity of evidence as has been placed before him, and he has been obliged to relegate that labor until after Parliament rises. I wished to make this

communication to my hon. friend before he made his address, because I, myself, was unaware of it before, and I supposed he was also unaware of that position of the affair; and with his well-known sense of justice, I thought it extremely probable that being able to inform him of those facts, and something more which I propose to state on the subject, he would not have thought it necessary to press the motion for the evidence. I am authorized to state that as soon as the Session is over it is the intention of the right hon. head of the Department of Railways and Canals to take up this matter of the Welland Canal, not only with reference to the evidence taken and the reports made as to the conduct of Mr. Ellis, but on other matters connected with the canal, which he is satisfied require investigation, and the whole matter will then be dealt with finally, as far as the Government can deal with it. But until my right hon. friend has had the opportunity of examining this evidence it is quite impossible for him to pronounce any opinion; and he does not either differ or agree with my hon. friend in his view of the conduct of Mr. Ellis, because in reality he knows nothing about it, except what he has read in the report, and probably what he has read of my hon. friend's previous address. It is obvious that the head of the Department cannot act, so far, at all events, as dismissing or punishing an officer, without reading the evidence on which he is to be condemned. That duty the Premier proposes to do, as soon as the exigencies of public duty will enable him to read this evidence and study these reports. I lay on the Table the second report which my hon. friend asked for, as I told him I would; but as to the evidence, I submit to this House that the Government should have an opportunity of reading the evidence, and determining upon the conclusion which it is to come to upon that evidence, before publishing it or laying it before the people. The proper course, undoubtedly, is for the Government to make up their minds what they propose to do; then, if my hon. friend or any other member desires either to criticise the decision of the Government, or to ascertain whether, in his opinion, the Government have done right or wrong, of course it will be perfectly competent for him to move for this evidence, and if the House see fit to order it, to have it laid on the Table. But in the meantime I submit to my hon. friend, and I am sure he will recognize the justice of what I say, that I think he should not press his motion for the evidence until the head of the Department has had an opportunity to see it himself. If the decision to which he comes between now and next session of Parliament is not satisfacto y to my hon. friend, of course his motion will come before the House whenever he chooses to make it, at the ensuing Session, and the decision can be criticized.

HON. MR. McCALLUM—As far as I am concerned, I have no feeling in the matter. Supposing I were to insist on my motion now, and it were passed, we cannot get the evidence this Session. At best it could only be laid on the Table next Session. I am quite satisfied that the Premier has no time to read the evidence. I do not think for a moment that he is going to wade through 2,371 pages. I hope that he will not be punished by the people of this country to that extent. If he had wanted to do that, he was getting the evidence from day to day as it was taken, and the Commissioner by his letters shows that he was receiving intimations from the Government. One thing the Government should do in the interests of the country is either dismiss these parties that have been found guilty, or publish the evidence to the world, so that the public can come to a conclusion on the subject for themselves. That I ask, and the people of this country will expect. Of course, I will withdraw that part of the motion calling for the evidence, and when next Session arrives I will know what course to pursue. As the hon. gentleman told me once before, the Government have nothing to hide. I said then, and I say now, I cannot see for the life of me why the Government have anything to hide in the matter.

HON. MR. ABBOTT—They have nothing to hide.

HON. MR. McCALLUM—When I take the remarks of the hon. gentleman from Belleville, and put everything together, and show you by the extract I have read from the St. Catharine's *Star* how the business of this country is suffering, I ask the House: are the Government justified in keeping such a man at the head of so important a work one moment longer? Even the report itself, which is on the

Table, shows, if you will read it, that I am right in this matter. I have done my duty, and the Government will do theirs when they dismiss those guilty officials from the Welland Canal.

HON. MR. ABBOTT—There is a further word I omitted to say, and it is this: As the hon. gentleman is so familiar with the evidence that has been taken, I have been commissioned by my right hon. friend to say to him that if he will favor him with any notes of the salient portions of this great mass of evidence he will take it as a favor, and consider it along with the evidence itself.

HON. MR. McCALLUM—Do I understand that he wants notes of the evidence? He has the Commissioner's report before him: he has any amount of able men at his disposal, and certainly I am not going to teach the right hon. Premier of this country what his duty is. I will be glad to do anything I can, but I do not want for a moment to say that he shall be governed by anything I would state. He might think that I am prejudiced. I have done enough in this case. I gave four months of my time last year on behalf of this country, and I am not going to do much more. Let them take the responsibility of it: I wash my hands of it until next session of Parliament, and then I will move for the evidence.

The motion was withdrawn.

NORTH-WEST TERRITORIES BILL.

THIRD READING.

The Order of the Day being called,—Third reading Bill (V) "An Act to amend the Acts respecting the North-West Territories."

HON. MR. ABBOTT said: I am under the impression there was nothing reserved at the last stage of this Bill. There was, however, a suggestion made on the subject of the 13th section. It appears to me that this clause is too wide, and that there should be an exception of the innocent holder for value of negotiable paper, and I move that this Bill be not now read the third time, but that the following words be added to sub-section 2 of clause 13:—

Except in the hands of a holder in due course for value, within the meaning of the Bills of Exchange Act, 1890.

HON. MR. REESOR—Would not that have the effect of enabling a party to put his claim in such a shape that he could collect it, whether it was for intoxicants or not?

HON. MR. ABBOTT—Of course it is possible to act fraudulently with respect to any of these laws. The provision of the Promissory Notes Act, which gives a *bonâ fide* third holder special rights, can be abused in the same way. Practically, it does not turn out to be of much importance, because if a defence of illegal consideration is set up, the holder who sues upon the paper can be brought up to show what value he gave for it, and whether he is an innocent holder for value or not; and though there is a possibility, there is very little probability of such frauds being successfully committed if properly resisted.

HON. MR. REESOR—Would the last holder of the note who sued upon it have recourse against the first party?

HON. MR. SCOTT—Yes; if he was a holder for value.

HON. MR. ABBOTT—The holder for value without notice of the consideration would have his remedy against everybody previous to him, but if the maker of the note were to plead that he had given the note in consideration of a gambling debt, and that it was therefore null. and that the holder was not a *bonâ fide* holder, and if he could prove that, then the holder's claim would be defeated; and he could put the holder or anybody else who could give evidence upon it in the box to prove his plea.

HON. MR. SCOTT—He must have taken it before it became due. Does the Interpretation Act carry with it these two points?

HON. MR. ABBOTT—Yes; I have gone over the matter carefully, and the language I suggest brings the matter within the new Bills Act, which protects all interests.

The motion was agreed to.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. BELLEROSE—In moving the amendment of which I have given notice, I have no intention to make a speech. The

discussion has lasted long enough, but with the permission of the House I will read a few lines from a newspaper published in one of the Maritime Provinces, to show that the French language is becoming popular there. In a recent issue of the *Moniteur Acadien* I find the following:—

"Friday last we had French spoken during a part of the sitting in our Legislative Assembly. The question was An Act to incorporate a Colonization Association. The Hon. Mr. Leblanc explained the Bill in French. He was followed by Messrs. Melancon, and LaBillois, who spoke in French. His Honor the Speaker, Mr. White, reported the Bill to the House in French, and the House itself gave its assent to the Bill in French, members giving their assent to the question put by the Speaker answering, 'oui.' Evidently the French language is begining to inspire less fears to our fellow subjects of British origin."

HON. MR. SCOTT—I was not present when the discussion on this question arose in this House, and before I give my vote I desire to say a word or two. I am not going to make a speech, but just give expression to the opinions I at this moment entertain on the motion my hon. friend has made. I think it is very deeply to be deplored and very much to be regretted by every lover of his country, by every true and sincere patriot, that this question of the abolition of the French language should have arisen. I know of no question that has sprung from so unworthy, so bigoted and so dastardly motives. It is due to the adoption of the basest of methods to disturb the political horizon of this country for the purpose of affecting public opinion in another Province, and I say, therefore, that no man who took part in originating this agitation is entitled to be called a true lover of his country or a true patriot in any sense of the word. We owe that North-West country to the French Canadians as much as to the efforts of any portion of the Anglo-Saxon race. Both nationalities shared in the acquisition of it, and I say it is a most ungrateful, a most ungenerous act on the part of the majority of this country towards the minority to adopt the policy they are pursuing towards the French Canadians the last few months, and I trust that history will hold in contempt the men who gave rise to this disturbing element in the community against a race who, for the last quarter of a century, have desired to grow up in amity and friendship with their English-speaking neighbors. This question did not arise in the North-West. When that country was acquired by Canada the French were the dominant race there, just as they were in old Canada before the Union. In the old Provinces they surpassed us in numbers and position, having the key to the route to the ocean, and when we proposed a union with Lower Canada did they stand on their rights and endeavor to hold themselves aloof because they were in the majority? They said: "No; though we are superior in numbers and are entitled to greater representation, yet we love our English-speaking brethern, and we will invite them to join us in one Assembly on equal terms." When the French were entitled to a larger number of representatives on the principle that is now recognized as the true one in representative forms of government, that is, that the majority should be represented by the greater number of delegates, they gave way on that most important point and gave us an equal representation. As times changed, and Ontario became the larger Province in population, the grasping spirit of the people showed itself, and they insisted on having a larger representation, and so Confederation was brought about. We all know that the acquisition of the North-West was more due to the French pioneers than to the English pioneers in that country, and when this legislation to recognize French as an official language was introduced into that country all men acknowledged the fairness of the principle. Recently, agitators have, for a base purpose, started this question of the abolition of French as an official language, and the agitation has been carried on all through the Province of Ontario, and even into Quebec, where it has been truly an apple of discord in what was, before the question was raised, a contented and prosperous people. This dual language question would have taken care of itself in the North-West in a few years. No man who has had any experience with the Lower Canada Legislature can fail to recognize that they have always been most tolerant of the views of the minority. Even in this House, day after day, when the Speaker proposes to put resolutions in French from the Chair—are not the French members the first to cry out "dispense, dispense," in order that the recognition of their language may not involve delay in the discussions that may come before us? In the North-West, where the English-speaking people will

largely preponderate in a few years, the French language would soon have dropped out. Frenchmen do not insist on sentimental rights; they do not ask for anything that has not some proper motive for it. They demand this, not as a favor, but as a right. It was not the money question that originated this difficulty. I am told that the whole amount involved in the printing of orders and proceedings was only some four or five hundred dollars; yet for that paltry, contemptible sum this Dominion has been thrown into a state of disturbed and bitter feelings, such as have never prevailed before. I say it does not speak well for the majority in this country. It is a great reflection on the larger numerical element of which this country is composed that so little courtesy is shown to the minority in discussing this question. To my mind, I feel perfectly satisfied that if this question had not been discussed at all, in ten years, with the increasing growth of the North-West, this question of dual language would have died out entirely. The French Canadians might have asked that certain ordinances should be published in their language, and the people of the North-West would have been liberal enough, if left to themselves, not to question it as a right. Do the people of the western States object to the publication of ordinances in Swedish or German? Not at all; it is only in this country, where a few bigots have started an agitation that has roped in some proper-thinking people that such a movement is possible. This question has been threshed out and discussed, over and over again, and at last, for peace sake, the leading men on both sides said: "Let us join hands; let us have peace and harmony and see if we cannot agree on this point." So, in the House of Commons, very properly, the leaders of the two parties came together and said it is best for the people that they should compromise on this question, which they did, I believe, in terms similar to the Bill now under consideration. Whatever were my views before, I am content to set them aside and abide by that compromise. It was a compromise that involved no sacrifice of principle that the gentlemen of Lower Canada entertain. It was another evidence of their generosity and of their desire to sacrifice much for peace sake that they did compromise. I appreciate the spirit in which that compromise was accepted, and entirely agree with it, and for that reason I am going to support the Bill as it is, and must vote against the motion of my hon. friend from Delanaudière. Otherwise, I should be exceedingly glad to support it. It would have, under ordinary circumstances, my hearty support, but I do not propose to take up and advocate a hopeless question, merely for the sake of momentary effect. That question has been disposed of, and if we carried my hon. friend's proposition to-day it would not meet with any favor from the other House. The leaders on both sides have committed themselves to the compromise, as it is called, and I think it is our duty, in the interests of peace and harmony, to show our concurrence in that compromise. It was arrived at with the best possible motives, and I think it is most unfair now to attempt to disturb it, and for these reasons I shall feel compelled to vote against the proposition of my hon. friend.

HON. MR. PAQUET (in French)—In rising to second the motion of my hon. friend from Delanaudière, I take the opportunity to say with what interest I have followed the discussion on the important question to which it refers. We have in the Senate the good fortune to be able to discuss it dispassionately, and this question of the dual language is really more within the domain of this Chamber, in regard to what appertains to it, than of the House of Commons. The debates, often acrimonious, in the other branch of Parliament and elsewhere, frequently prove unquestionably, by their results, that more is accomplished by gentle means than by violence—that the ostracism of minorities has never conquered the hearts of a people—as, for instance, in the case of Poland, Ireland, Alsace and Lorraine, and a good many others. Let us profit by the example of nations that have preceded us or who are our contemporaries. I hope I shall be permitted to cite one historical fact which bears on this question:—

"In 1862 and 1863 Poland, unfortunate Poland, wounded, disunited and enslaved, considered by the great nations as incapable of self-government, and simply as a country subject to the whip of Russia, raised once more the standard of revolt against despotism, of which the odious persecutions pointed more and more the disadvantage; and three of the great nations of Europe joined in making remonstrances to Russia on her conduct with regard to the Polish people—I dare not say with regard to Poland, but with regard to the Poles. What were these nations? They were England, France and Austria. They made

remonstrances to Russia. Russia asked them to formulate the principal points of the policy which they required her to follow with regard to Poland. These three nations formulated, after having consulted between themselves, six points, and one of the six points of policy which they recommended Russsia to adopt towards Poland, in the embarrassing circumstances in which she found herself, and not later than the year 1863, was the use of the Polish language in the public offices and in the courts. Such was the advice given by England, France and Austria to Russia, interfering in her conduct towards her subjects, which had passed under her yoke by proceedings which we cannot recall without condemnation, but which had bound her, and she had become, so to speak, her property, a long time previously. After this lapse of time the recommendation conveyed a retrogade step in the policy of Russia in restoring to the Poles their language, which had been abolished, and in giving them the right to attend before the courts and in the public offices."

In connection with this same question, what did we do ourselves, in 1877, thanks to the generous initiative of our hon. friend the member for St. Boniface, who had the advantage of the cordial and great influence of members of the Government then in this Chamber? The following I take from the Senate *Debates*, page 437, Session of 1877:—

"On the 10th clause, Hon. Mr. Girard moved to amend the clause by inserting the following provison:—Either the English or the French language may be used by any person in the debates of the said Council, and both those languages shall be used in the records and journals of the said Council, and the ordinances of the said Council shall be printed in both those languages and in the proceedings before the courts.

"The amendment was agreed to."

It is now thirteen years since that law was enacted, since we proclaimed a toleration which has injured no one, and which has been an act of justice to many; which annually costs only a nominal sum, about $400, an amount which an hon. Minister offered himself to pay out of his own funds, in order that the argument of economy might not be invoked; yet here to-day we are asked to strip ourselves of a right that we possess. It has been said that a compromise was effected between the leaders on both sides in the other Chamber, but I do not know how that can be brought up here, or that we would like to be bound by such an understanding, whatever it may be. We are asked to give up an acquired right, and to refer to the Territories the decision of that question by an appeal to a people of whom a majority speak a language foreign to ours, and who are doubly fanatical towards anyone the least inclined to give us any hope that we will regain our rights. We could not and we ought not to consent to that. Besides, why have two weights and two measures? Was not an appeal to the people refused in the case of Confederation; yet we are about to accord it to-day for the purpose of destroying the generous concession contained it the Act of 1877.

We all wish to promote the colonization of the immense Territories of western Canada. Is it by ostracism or by liberality that we will arrive soonest at that end? Each year we see an exodus of the different populations of the civilized globe moving towards these vast regions, thanks to the liberality already mentioned, and the liberty which these immigrants hope to find there, and that a wise law has decreed. Will it not be a breach of plighted faith to the French population, above all others, who go there to settle? Have not I, who possess the advantage of communicating to you in my mother tongue the observations which I would find it much more difficult to express in a strange language, a thousand reasons to congratulate myself on this right? Why should a Frenchman, who may be elected a representative in the Territories, and who may not possess a knowledge of English, not possess the same right of speaking his language, and thus interpret the views and the needs of his constituents? Would it, to act otherwise, be anything less than tyranny? Referring to a question of this kind, a renowned writer has the following:—

"Language is that which has the most singular hold on a people. It is the bond which more strongly unites its members, and the one principal means by which it reveals their character. For these reasons a State should not in the least deprive a nationality of its language, nor prohibit its literature. It is, on the contrary, the duty of the State to give full liberty to a language, and to favor its use, and the general interests of civilization will not in the least suffer thereby. The suppression of the mother tongue of the inhabitants of the Provinces by their own authorities was a terrible abuse of the power of government.

"The English Government committed one of the gravest errors when, in 1873, they wished to impose the laws and the judicial procedure of England in Bengal on the Hindoos, who were not prepared for this change.

"If the moral or intellectual life of a people is attacked by the power of the State, its members are forced to the most determined resistance. Men could not have more just reason for resistance to tyranny than the defence of nationality. Right may suffer in the struggle, but the law remains unchanged.

"A common nationality has rights of a higher order than political attachments, which unite the different races of the same State.

"Article 19 of the Constitution of the Austrian Empire decrees that:—

"All tribes in the state have equal rights, and each one has the inviolable right to preserve its language and its nationality."

This contrasts forcibly with the fanatical words of Mr. McCarthy, in his speech at Stayner, where be freely expressed his thoughts. Addressing the English part of the population, he said :

"There is a good deal of work cut out for us here. Let us begin with that which appears to be the most possible. Let us occupy ourselves with the dual language in the North-West. In the Legislature let us occupy ourselves with the teaching of French in the schools. When these two questions shall have been regulated we will have done something, and we will possibly be in a state to do more in the future.

Further, he says :

"We should take up our arms. * * * * * * We live in an English country, and the sooner we are able to Anglicize the French Canadians the better it will be for our posterity, for whom the task will be made more easy, and this question will have to be regulated sooner or later."

Here we have the announcement, in the plainest terms, that this is but the beginning of the end. Shall we not find in this language sufficient notice? Is this in keeping with the promises made to us at Confederation? Let us see. It is now 25 years since I had the honor to take part in the debates on Confederation, and when we expressed fears as to the use of the language of the minority, what was the reply that was made to us? Let me quote from the Confederation Debates:

"HON. MR. DORION--I do not rise to offer any lengthened remarks, but to draw the attention of the members of the Administration, with a view to obtain some information in connection with this scheme ; but before doing so, I would say a word in reply to the explanation given by the Hon. Attorney General West to the question put by the hon. member for the county of Quebec (Hon. Mr. Evanturel) with regard to the use of French language. The Hon. Attorney General West stated that the intention of the delegates at the Quebec Conference was to give the same guarantees for the use of the French language in the Federal Legislature as now existed under the present Union. I conceive, Sir, that this is no guarantee whatsoever, for in the Union Act it was provided that the English language alone should be used in Parliament, and the French language was entirely prohibited ; but this provision was subsequently repealed by the 11th and 12th Victoria, and the matter left to the descretion of the Legislature. So that if to-morrow this Legislature choose to vote that no other but the English language should be used in our proceedings it might do so, and thereby forbid the use of the French language. There is, therefore, no guarantee for the continuance of the use of the language of the majority of the people of Lower Canada but the will and the forbearance of the majority. And as the number of French members in the General Legislature, under the proposed Confederation, will be proportionately much smaller than it is in the present Legislature, this ought to make hon. members consider what little chance there is for the continued use of their language in the Federal Legislature. This is the only observation I have to make on this subject of the Hon. Attorney General West.

"Hon. Attorney General MACDONALD—I desire to say that I agree with my hon. friend, that as it stands just now the majority governs ; but in order to cure this, it was agreed at the Conference to embody the provision in the Imperial Act. (Hear, hear.) This was proposed by the Canadian Government for fear an accident might arise subsequently, and it was assented to by the deputation from each Province that the use of the French language should form one of the principles upon which the Confederation should be established, and that its use, as at present, should be guaranteed by the Imperial Act. (Hear, hear.)

"Hon. Attorney General CARTIER—I will add to what has been stated by the Hon. Attorney General for Upper Canada, in reply to the hon. member for Hochelaga, that it was also necessary to protect the English minorities in Lower Canada with respect to the use of their language, because in the Local Parliament of Lower Canada the majority will be composed of French Canadians. The members of the Conference were desirous that it should not be in the power of that majority to decree the abolition of the use of the English language in the Local Legislature of Lower Canada, any more than it will be in the power of the Federal Legislature to do so with respect to the French language. I will also add that the use of both languages will be secured in the Imperial Act to be based on these resolutions. (Hear, hear.)

"Hon. Attorney General CARTIER--Mr. Speaker, in reply to what the hon. member for Hochelaga has just said, I shall merely tell hon. members of this House that they need not take alarm at the apprehensions and predictions of that hon. gentleman. I have already declared in my own name, and on behalf of the Government, that the delegates who go to England will accept from the Imperial Government no Act but one based on the resolutions adopted by this House, and they will not bring back any other. (Hear, hear.) I have pledged my word of honor and it will have at least as much weight with this House and the country as the apprehensions of the hon. member for Hochelaga. (Cheers.)"

Such was the pledge of honor given by Sir George E. Cartier. How have his successors at the present day maintained it? Had Sir A. A. Dorion been still a member of the House, as he was then, with what feelings would he have witnessed this violation of the solemn promises which were made to us then! Are not we to-day a directing power in the political formation of the vast plains of western Canada? It is a root of a great tree; it has a right to the same liberal sap which has been given ourselves, and I hope that it will be accorded. I regret that I cannot share the views of the hon. leader of this House, who told us yesterday that the population of western Canada will be absolutely in the same position as that of Quebec, which has the right, under its municipal code, to declare that in rural districts, where only the French language is used, the proceedings need only be published in that language, and *vice versa*. Let the hon. gentleman leave to the Territories the liberty which they have to-day in their Legislature, and we will demand nothing more ; but to argue from the individual to the general, is something which I, for my

part, cannot permit. Let them, in the organization of their municipalities, put in force the same provisions that we have in our code, and I shall not have the least objection; but leave to them the right to use the two languages in the Legislature. This these hon. gentlemen do not appea to wish to maintain, especially in the last part of the clause, and it is there that my hon. friend from Delanaudière and myself, as his seconder, believe we have discovered "the sting in the tail." Therefore, in view of the great lessons of history and of the plighted faith of the country, we would be committing an act of blind and culpable fanaticism in supporting this 32nd clause—that is, its latter part—and I hope for the honor of the Senate, that it will never consent to pass it. I shall, therefore, vote against that part of the Bill.

HON. MR. ABBOTT—I was glad to hear from my hon. friend from Ottawa the statement he made of his views on this subject, with his usual energy and vivacity; and I think it is right and proper that those who do not sympathize with the movement against the French language should, if they accept the proviso contained in this Bill, have some explanation given of the reasons why they decline to reject it. The reason is precisely the one which my hon. friend from Ottawa stated, and it is the one which actuates probably nearly every man in this Chamber who votes for the proviso, namely, that by the introduction of the proviso it is intended, not to prolong or increase or renew the agitation on this subject, but, by accepting it, to seek to put an end to the agitation on this subject, because it represents something in the nature of a compromise which has been impliedly entered into and agreed upon by the leaders of all parties in politics in this country—with the exception of this new and small party which has lately sprung up—as a solution of the difficulty which can reasonably be accepted. Probably most of us would have preferred that matters should have been left in *statu quo*, but the solution offered by the proviso may reasonably be expected to satisfy the people generally. For that reason I have thought it best, although it is a somewhat unusual course to follow, to place on record the reason which actuates me, and which I know actuates most of the hon. gentlemen in this House in voting against the motion of the hon. gentleman from Delanaudière. As this matter has been already sufficiently discussed, I do not propose to address the House any further on the subject, but I hope the House will concur with me in this mode of disposing of my hon. friend's motion, rather than by voting directly against it. This is the motion which I propose, which I make in amendment to the motion in amendment of the hon. gentlemen from Delanaudière.

HON. MR. BELLEROSE—I rise to a question of order. According to the Rules of the House, that amendment is not in order. It does not follow from the motion I have made, but on a motion for the third reading of the Bill.

THE SPEAKER—I put the motion for the third reading, and waited for the hon. gentleman to move, and was surprised that he did not do so, because I understood that he proposed to put his amendment, and as he did not do so I said "carried." Then, after I had declared the motion "carried," the hon. gentleman got up. It really makes pratically no difference, because the hon. gentleman may move his amendment either before the Bill is read the third time, or before the passage of the Bill.

HON. MR. BELLEROSE—Except it is a side issue, it cannot be decided in that way; because I may say that nearly every day during all the Sessions that I have been in this House the Speaker has at times put the question and said "carried," and when some hon. gentleman would rise and say: "No, Mr. Speaker, it is not carried," his objection was accepted. I think fair play ought to be extended in this case as in other cases, and if this House does not do so, before the end of the Session I shall call the attention of the House to the fact that the Speaker has said "carried," and shall insist on the motion or amendment so carried being recorded.

HON. MR. POWER—In the first place, to declare that the third reading had been carried would be a sort of snap vote, the appearance of which we ought to avoid. The hon. leader, as soon as he saw the third reading of the Bill was before the House, got up and moved his motion, and I think it would be more regular in every way to allow the hon. gentleman's amendment to come to that motion than to the motion that the Bill do now pass. I have

some doubt as to the regularity of a motion on the question from the Chair: "Shall the Bill pass." We will suppose that the Bill is at the third reading. The hon. leader moves that the Bill be now read the third time. The hon. gentleman from Delanaudière moves in amendment the motion he has on the Notice Paper; then it is not in order for the leader of the House to move another amendment, because it is an amendment to his own motion.

HON. MR. LACOSTE—It is not inconsistent with his own motion.

HON. MR. POWER—Whether it is inconsistent or not, I think it would be better to have the thing done in a way that no question can be raised about it afterwards. It is perfectly open to any other hon. gentlemen to move the sub-amendment besides the leader of the House.

HON. MR. ABBOTT—The question the hon. gentleman put is a fair question, but as the motion I make does not conflict in any way with the motion I made for the third reading, and is not inconsistent in any way with the motion for the third reading, I think it is within my right to move it. It is not an amendment to the Bill at the third reading, but to say that the proviso remains in the Bill, and the reasons for it. I do not desire even to appear to be acting in a way that is of doubtful legality, and if Mr. Smith will allow the amendment to stand in his name it would be beyond all question of doubt.

HON. MR. BELLEROSE—I object to that. If there is a disposition not to do justice on my side of the question, I do not see that I should continue to be so good a Frenchman all the time as to submit to everything that is done. It is evident that the hon. gentleman who moved the third reading of the Bill cannot come in with a sub-amendment to his own motion. During the 26 years I have been in Parliament I have never seen any such practice, and unless I am shown by authorities that it is parliamentary I cannot believe that I have received justice at the hands of this House.

THE SPEAKER—I merely call the attention of the House to the fact that it is laid down clearly that amendments are not only moved on the motion for the third reading of the Bill, but may be moved after the third reading of the Bill has been agreed to, and before the question: "Shall the Bill pass."

HON. MR. BELLEROSE—I have too much respect for the ruling of the Chair to object to that, but I say that before the end of the Session I shall bring the question before the notice of the House, because I know the practice is followed every day. Sometimes gentlemen in this House are occupied with something else when the third reading of the Bill is carried, and the member interested rises and objects, and the Speaker does not insist on the third reading having passed.

HON. MR. SCOTT—The House is anxious that the hon. gentleman should move his amendment.

THE SPEAKER—If the House is willing to consider this an amendment to the motion for third reading there is nothing in the Rules against it.

HON. MR. BELLEROSE—What I object to is the amendment to the amendment.

HON. MR. HOWLAN—The motion of the leader of the Government is for the third reading of the Bill; the motion of the hon. gentleman in amendment is that the Bill be not now read the third time, but that it be referred back to a Committee of the Whole House to be amended. If the yeas and nays are taken on that motion, how can another amendment come in, looking for the same provision? If the hon. gentleman's motion in amendment is lost, the Bill is then carried on the third reading.

HON. MR. POWER—No.

HON. MR. HOWLAN—The sub-amendment is moved to do what? To put a proviso in the Bill. When you vote yea and nay upon the amendment of the hon. gentleman from Delanaudière, if it is carried it must go back to committee; if the amendment is lost the Bill must remain as it is.

HON. MR. SCOTT—The hon. gentleman forgets that the proposition of the leader of the House is, that all the words after "that" in the motion in amendment shall be struck out, and then the proposition submitted to the House is, that the words added by the hon. leader of the House shall form part of the Bill. That is prac-

tically what the result of the vote would be—the other amendment disappearing.

HON. MR. HOWLAN—I do not see it in that way. The Bill provides, in the first place, that the dual language shall be settled by the Legislatures of the different Provinces. That is the principle. The objection to that principle is taken by the hon. gentleman from Delanaudière, who moves an amendment to have the Bill as it was previously. If the vote is taken on that, and his amendment is lost, the question is settled, and the amendment that is proposed to be moved by the leader of the Government answers the very same purpose. If you decide it by the yeas and nays on the first amendment the thing is at an end.

HON. MR. DRUMMOND—It appears to me to be a novel proposition that only one amendment can be discussed. It seems to me that a succession of amendments can be moved.

HON. MR. BELLEROSE—The hon. gentleman moved the third reading, and then when an amendment is put before the Chair, how can the same gentleman who moved the third reading come in with an amendment to the amendment? Suppose you strike out all the words after "that" in my amendment, and put in the words added by the amendment of the hon. gentleman, the position would be absurd. What would become of the third reading?

HON. MR. POWER—As I understand the position of things now, it is this; the hon. gentleman from Delanaudière was taken rather by surprise in connection with the third reading. By unanimous consent the House have now agreed that the third reading shall not be deemed carried, and the motion before us now is the motion of the leader of the House, that the Bill be now read the third time. The hon. gentleman from Delanaudière moves his amendment, and nothing else has happened yet. The hon. gentleman has had his way; the House has given way to him, and it is too soon for him to raise the point of order. He should wait until the amendment to the amendment is moved.

HON. MR. BELLEROSE—It has been moved.

HON. MR. POWER—Excuse me: it has not been moved. The hon. gentleman from Delanaudière has moved his amendment, and the sub-mendment will now be moved by Mr. Smith or some other hon. gentleman.

HON. MR. BELLEROSE—Why not take the straightforward way? The motion has been put for the third reading. My motion in amendment has been put, and it is in order; but the hon. leader who moved the third reading comes and says: I wish to move an amendment to add these words to my main motion.

HON. MR. VIDAL—That is all cancelled.

HON. MR. BELLEROSE—No; it is not cancelled, because you cannot cancel it, except by unanimous consent of the House, and I shall not consent, because I have not been met fairly.

HON. MR. POWER—There is no desire on the part of any hon. gentleman to treat you unfairly.

HON. MR. BELLEROSE—I did not refer to the hon. gentleman; my remarks were general.

HON. MR. POWER—I know that I am not in order in rising again, but I ask the hon. gentleman to "be aisey; and if he cannot be aisey, let him be as aisey as he can." The hon. gentleman has manifested a want of clearness of vision which is not usual to him. He complained a few moments ago that he had been taken by surprise. He contended that the Bill had not been read the third time. Then the House, at his request and suggestion, said we shall consider that it has not been read the third time, but we shall go through that process again at the suggestion of the hon. gentleman; and then the leader of the House moved the third reading again, after the third reading had been considered as moved, in order to meet the views of the hon. gentleman from Delanandière. The hon. gentleman then came in with his amendment, and now he contends that that cannot be done, and wants to hold that the proceedings that have been declared as cancelled with the consent of the House must be held binding. The hon. gentleman must see that he is unreasonable. What was done by the House

was done at the hon. gentleman's own request. His amendment is now before the House, and it is open to any hon. member to move a sub-amendment.

HON. MR. McINNES (B.C.)—The point that the hon. gentleman raises is this: that the leader cannot move a sub-amendment to his own motion. That objection is removed by the sub-amendment being moved by another gentleman.

HON. MR. BELLEROSE—I want the decision of the Speaker. The hon. gentleman from Halifax has not given a statement of the facts. There are three motions before the House: 1st, the motion for third reading; 2nd, my amendment; 3rd, the amendment of the leader of the House to my amendment. That is what is before the Chair, and until that is decided there is no use in explaining what is passed. This is the position of the matter, and by it I stand.

THE SPEAKER—I shall try to put the matter as clearly as I can. I did put the motion for the third reading, and not seeing the hon. gentleman rise, I pronounced it carried. The clerk stood up to read the Bill the third time, when the hon. gentleman rose to move his amendment, and the House desired that the Bill should be placed in the same position as if I had not pronounced the third reading. The hon. gentleman was then at liberty to move his motion in amendment to the motion that the Bill be read the third time presently. It is now in order to move an amendment to the amendment.

HON. MR. SMITH — I move in amendment to the amendment——

HON. MR. LACOSTE—To avoid all difficulty, I would request the hon. gentleman from Amherst to move the amendment, seconded by me.

THE SPEAKER—It is moved by the hon. Mr. Dickey in amendment to the amendment, seconded by the hon. Mr. Lacoste,—

That all the words after " that " be struck out, and the following substituded :—

" In the opinion of this House it is inexpedient to renew and continue previous agitation by rejecting the solution of a grave difficulty which is offered by the said proviso, and which has been approved by the people through their representatives in Parliament; and that the said proviso stand part of the Bill."

HON. MR. HOWLAN—I would like to ask, for the information of this House, what position will this Bill be left in, provided the amendment to the amendment is carried? Will it alter the position of affairs in any way, from a mere vote, yea or nay, upon the amendment?

HON. MR. SCOTT—Practically, it does not alter the Bill at all; it is merely an expression of opinion by the House.

HON. MR. HOWLAN—I want to support the Bill as it came into the House. This is a House of Parliament, not a public meeting, and we must be governed by rules, for if we make a mistake to-day it becomes a precedent to-morrow. As I understand it, if the amendment is carried the Bill must go back to committee; if the amendment is lost the Bill will be carried. If the amendment to the amendment is carried it leaves the Bill in the same position.

HON. MR. LACOSTE—If the amendment to the amendment is carried we have then to vote the third reading of the Bill. It destroys the amendment.

HON. MR. SCOTT—The vote will be on the main motion as amended.

HON. MR. HOWLAN—If the amendment of the hon. gentleman from Delanaudière is lost, the Bill is carried and read the third time. This amendment to the amendment leaves the Bill in the same position; it does not alter the Bill in any way.

HON. MR. SCOTT—No.

HON. MR. HOWLAN—Then what is the necessity for it?

HON. MR. SCOTT—It destroys the amendment.

HON. MR. HOWLAN—Will not the vote of the House destroy the amendment if it is lost?

HON. MR. LACOSTE—The sub-amendment will destroy the amendment, and will also give our reasons for destroying it.

HON. MR. HOWLAN—Where is the reason?

HON. MR. LACOSTE—It is a compromise. We give our reasons for voting against the amendment. My hon. friend

stated that if the amendment is lost the Bill is read the third time. It does not follow. After the vote on the amendment, we have to vote upon the main motion that the Bill be read the third time.

HON. MR. HOWLAN—That is what I say.

HON. MR. LACOSTE—But we have this sub-amendment, and the sub-amendment gives the reason why we do not accept the amendment of the hon. gentleman from Delanaudière, and I do not see why it should not be put on record.

THE SPEAKER—The question is now on the amendment to the amendment.

The House divided on the motion, which was carried on the following division :—

CONTENTS :

Hon. Messrs.

Abbott,	McKay,
Almon,	McKindsey,
Archibald,	Macdonald (B.C.),
Bolduc,	MacInnes (Burlington),
Boucherville, de,	Merner,
Casgrain,	Montgomery,
Clemow,	Murphy,
Cochrane,	Odell,
DeBlois,	Pelletier,
Dever,	Perley,
Dickey,	Power,
Drummond,	Prowse,
Glasier,	Read (Quinté),
Grant,	Reesor,
Guévremont,	Robitaille,
Haythorne,	Ross,
Kaulbach,	Sanford,
Lacoste,	Scott,
Lougheed,	Smith,
Masson,	Sutherland,
McCallum,	Vidal,
McClelan,	Wark.—46.
Macdonald (B.C.),	

NON-CONTENTS :

Hon. Messrs.

Armand,	Girard,
Baillargeon,	McMillan,
Bellerose,	Pâquet,.—7.
Chaffers,	

HON. MR. ABBOTT moved that the Bill be now read a third time.

HON. MR. BELLEROSE—That is not the motion. I want the motion as amended to be put. I only ask justice at your hands, Mr. Speaker, and nothing more. I ask for the motion as amended by this vote.

HON. MR. POWER—The hon. gentleman moved an amendment, to which an amendment was moved by the hon. gentleman from Amherst, to the effect that the proviso stand part of the Bill.

HON. MR. BELLEROSE—That is not the amendment read from the Chair.

HON. MR. POWER—The amendment was, that all the words after "that" in the hon. gentleman's amendment be struck out, and certain others be put in, and for the reasons given that that particular proviso shall stand part of the Bill. The hon. gentleman's amendment is, by the adoption of the sub-amendment, struck out.

HON. MR. HOWLAN—See the clear absurdity of the position the House is in. The hon. gentleman's amendment to the amendment being carried leaves the Bill as it is, and the motion now is, that the Bill be read the third time as amended.

HON. MR. BELLEROSE—This sub-amendment having been carried takes the place of the amendment I moved. If it takes the place of my motion, the motion now is for the third reading of the Bill, with the reasons for not amending it at the end of it.

HON. MR. ABBOTT—There is nothing in the motion or sub-amendment requiring anything to be put into the Bill. The sub-amendment has merely got rid of the amendment of the hon. gentleman from Delanaudière, and having done that it has served its purpose. It simply asks that the Bill shall remain as it is.

HON. MR. BELLEROSE—There is no use in discussing that question in the face of the authorities. When an amendment to an amendment is carried it takes the place of the amendment. That is the practice laid down by May, Todd and Bourinot. The motion before the Chair is that the Bill be read the third time, and that it is inexpedient to renew or continue p evious agitation, &c. That is the amendment before the Chair, and let that amendment be put. There is no power in this House to say that that can be put aside.

THE SPEAKER—I cannot see that I can put the question any other way than that put by the leader of the House.

HON. MR. VIDAL—When the amendment to the amendment is carried it becomes the amendment, and the only motion before us now is this amendment which

we have just carried, and which will have to be voted down in order to carry the third reading.

HON. MR. ABBOTT—The rule which the hon. gentleman lays down is perfectly applicable whenever the motion in amendment proposes to make any change. The only objection that could have been taken to the sub-mendment, and I do not think that that could be valid, is that it only amounted to a negative. It did only amount to a negative in reality, but the difference between that and a mere negative is that it gives a reason for giving a negative.

HON. MR. BELLEROSE—There were before the Chair a minute ago three motions,—first, the motion for a third reading; second, the amendment, that the Bill be not now read the third time, but that it be referred back to the committee, &c.; third, the sub-amendment, that it is not expedient, &c. This sub-amendment was carried. Now, it is an order of the House. The House has declared that it is inexpedient, &c. Where is the authority that would put that aside? It is very well for the gentlemen in the majority to laugh at us, who are in the minority, and I believe that we have amongst us men who deserve to be laughed at; but ordinarily, when we have to deal with Englishmen, they like to see us stand up for our rights, and if we were in England I believe that we would be supported in this motion. It is because we are in a colony that we are ill-treated. England's fair play does not allow a man to be crushed down because he is weak. The sub-amendment having been carried, it becomes an amendment to the main motion for the third reading of the Bill, and supersedes a motion for the third reading. You have declared that it is inexpedient to continue the agitation. The motion is carried, and there is nothing more before the Chair. I defy hon. gentlemen to contradict that. The main motion is defeated by the amendment which is carried. There is no third reading possible now.

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

After Recess.

THE SPEAKER—As I think it is extremely desirable that the proceedings of the House should be kept perfectly regular, and that there should be no mistake made which might possibly be drawn into a precedent afterwards, I have, since the adjournment of the House, looked carefully into the question in relation to the amendments before the House when six o'clock was called, and also consulted one of the highest authorities on parliamentary procedure, and I would beg respectfully to suggest what I think is the proper course for the House to take: In the first place, before six o'clock, the hon. member from Delanaudière moved, in amendment to the motion of the hon. leader of the House that the Bill be now read a third time, that the Bill be not now read the third time, but that it be referred back to a Committee of the Whole House to strike out a proviso contained in a certain clause in the Bill. In amendment to this, it was moved by the hon. member from Amherst in amendment to the amendment, that the said proviso should stand part of the Bill, and this latter amendment was carried. I now, therefore, respectfully suggest that the next motion should be that the hon. member for Delanaudière's amendment as amended by the hon. member for Amherst be adopted. If that resolution is carried, the next motion in order will be that the main motion as amended be adopted—that is, the original motion for the third reading of the Bill, but which, as amended, will dispose for the present of the third reading; but it will be perfectly within the right of the leader of the House, and according to parliamentary practice, for him to move afterwards that the Bill be placed immediately on the Orders of the Day for the third reading. I believe that the course which I have now suggested is the proper one to take, and that the next motion which should be put to the House is that the amendment as amended be adopted.

HON. MR. BELLEROSE—I have to thank the Speaker for having looked into the matter, because it confirms my contention. I am happy to think that the trouble was not caused by me, but by others.

HON. MR. HOWLAN—In my judgment, the second amendment ought to have been withdrawn, and the division taken upon the main question. Look at the position in which we place ourselves now! We are going to put on record that we took a certain course in the afternoon, and that

we are about to stultify ourselves this evening. I think we are putting on record something which at a future day will not be very creditable to us as parliamentarians.

HON. MR. ABBOTT—If our course is properly understood, I do not see that we shall be found open to the objection of my hon. friend, because the object of the motion in sub-amendment was to place on the records of the House the reason why we negatived the motion of my hon. friend from Delanaudière. I know of no other way in which we could have done it than the way we adopted, and if by a formal motion we can make that harmonize with the rules of the House, I do not see in what respect we are to be reproached or why we should be found fault with

The motion for the adoption of the amendement as amended was agreed to.

THE SPEAKER—Is it your pleasure that the main motion as amended be adopted?

HON. MR. BELLEROSE—What is the main motion as amended?

THE SPEAKER—The main motion for the third reading of the Bill as amended by the amendment of the hon. member for Amherst to the amendment of the hon. member for Delanaudière and the consequence of its adoption will be that the third reading of the Bill will be for the present dropped. Then the hon. leader of the House can make a motion, which will be perfectly in order, that the Bill be replaced on the Orders of the Day.

The main motion, as amended, was adopted.

HON MR. ABBOTT—For the purpose of replacing the Bill on the Order Paper, and proceeding with the business of the day, I move that the Bill intituled, "An Act to amend the Act respecting the North-West Territories" be now replaced on the Order Paper for its thind reading as the next Order of this day.

HON. MR. BELLEROSE—I believe I might take exception to that, because that motion was not in order. I will not do so, however, because it is near the end of the Session, and I want to be more liberal than the House was towards me before recess. The House has put itself in such a position that it can hardly come out of it without a breach of the Rules; because what is done now presently is certainly not in order.

THE SPEAKER—It is of course clearly laid down that in the case of all motions deemed special it is necessary that there should be a day's notice—the object, in such cases, as hon. gentlemen are no doubt aware, of having one day's notice, being to prevent the House being taken by surprise. But it is entirely different in the case of Bills: no notice is required, even for the introduction and first reading of a public Bill in the Senate; and I find also a case which occurred in the Senate where a private Bill was referred to the Supreme Court for an opinion as to whether it came within the jurisdiction of the Parliament of Canada, and the order, by the reference, having disappeared from the Order Paper, it was afterwards replaced on the Order Paper without notice. I think the leader of the House is perfectly within his right in making the motion which is now before the House.

HON. MR. BELLEROSE—Did you rule that the amendment to the amendment, which is a preamble, is in order?

HON. MR. LACOSTE—You did not take objection to that at the proper time.

HON. MR. BELLEROSE—I did raise that objection.

HON. MR. LACOSTE—I did not hear it.

HON. MR. BELLEROSE—I did make the objection, and if the discussion is fully reported my objection will appear.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. POWER—I am sorry to prolong this interesting discussion. I do not rise for the purpose of quarrelling with his honor's decision on the question of order, but simply to express the view which I took of the question myself. It is based simply on common sense. I assume that the decision of the Speaker is wiser than the one I have come to. My view of the matter is this: That the substance of the amendment of the hon. gentleman from Delanaudière was that the Bill be not read

the third time, but that it be referred back to a Committee of the Whole House, for the purpose of striking out the provision contained in the last five lines. The amendment of the hon. gentleman from Amherst was substantially that that proviso stand part of the Bill. That amendment carried. What was the position then? There was an amendment that that proviso stand part of the Bill. The proviso was in the original Bill. There was nothing in it which was inconsistent with the original Bill or the original motion. My own impression is that there was no necessity for replacing the Bill on the Order Paper for the third reading, because when that amendment passed the Bill was just in the same condition as when the motion for the third reading was made. I simply wish to express my opinion on the matter. I presume I am wrong, and that the decision of the Speaker is right.

HON. MR. ABBOTT—I must say I shared with my hon. friend that impression, but on consulting the authorities, and our great living authority on the subject, we were assured that though in principle there might be no objection, still as a matter of procedure we should take the course that we have followed.

HON. MR. GIRARD—There is the amendment of which I gave notice yet to be disposed of. It was submitted to the Committee of the Whole House and decided upon. In view of the promise made by the leader of the House I consented to withdraw the motion, and my intention is not to proceed any further with it. With the leave of the House, I will withdraw the motion.

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

INDIAN ADVANCEMENT ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (132) "An Act to amend 'The Indian Advancement Act' Cap. 44 of the Revised Statutes." He said This Bill is for two purposes. It is to enable the views of the Indians to be taken to some extent before a reserve is divided, and for the purpose of enabling them to make further rules as to their winter roads, and matters of that description, respecting which they have already considerable powers, but not extending to winter roads. It is to give them the same power with regard to winter roads that we have in our own country here. There are two or three provisions also as to procedure at the meetings they hold in their reserves for the election of their local councils. The details will come up in Committee of the Whole.

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

CRIMINAL LAW AMENDMENT BILL.

THIRD READING.

The House resumed, in Committee of the Whole, the consideration of Bill (65) "An Act further to amend the Criminal Law."

(In the Committee.)

HON. MR. ABBOTT said: The first clause was reserved for further consideration in consequence of a point made respecting it by my hon. friend from Halifax, which point I think was well taken. There seems to be no reason whatever for limiting the punishment of an offender to cases where he is arrested before his term of detention expires. Therefore, I move to strike out the words "before the expiration of his term of imprisonment."

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

HON. MR. ABBOTT—In the 6th clause there is a description of an offence which my hon. friend thought a little vague. I have examined the description of the cognate offence in the English law and our own statute. Both are much less perfect than this, and I must confess that I do not think there is really any necessity for altering it; because, of course, it will be for the magistrate who tries the offence to consider whether the act proved amounts to the offence contemplated by the clause. But I think the word "wilfully" put before the word "commits" would be an improvement to the clause, and would make it, by so much, better than any clause in any other Act that I have put my hands on. I move that this amendment be made.

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

HON. MR. ABBOTT—I have verified the statement of my hon. friend from Calgary with respect to indictments in the North-West, and I find that he is perfectly right—the phrase used should be "charge or indictment." The only clause which remains is the one which was under discussion when the committee rose, and which I undertook to suspend the consideration of until further information could be obtained. Now, I find that that clause is copied word for word from the Ontario law, and it confers on the Superintendent and the Attorney General in Manitoba exactly the same powers that are conferred by the law respecting Ontario on the Superintendent of the Penetanguishene Reformatory for boys, and on the Attorney General for Ontario, but I do not attach extreme importance to that. What I am sensible was exhibited last night was a distrust on the part of quite a number of hon. gentlemen in the House of a proper administration of the clause—a doubt on the part of some of them whether, in fact, such a power ought to be granted at all; and in view of the strong feeling which was shown against the clause last night, I do not propose to proceed with it. Further experience of the working of the law in Ontario may satisfy hon. gentlemen that it is a good clause. My own opinion is that it is a good clause, but that does not govern me in this respect. I propose to desist from it, because I find it would seriously offend the feelings of a good many hon. gentlemen in this House, and there is no desire to press on them any clause having this effect, especially when it can be easily postponed for another year. I therefore ask leave to withdraw that motion.

HON. MR. POWER—That is the new paragraph 86?

HON. MR. ABBOTT—Yes.

The motion was withdrawn.

HON. MR. DEBOUCHERVILLE—Does the hon. gentleman propose to make any change in the provision respecting threats?

HON. MR. ABBOTT—No; I had a view of my own on the subject, which is confirmed by the Minister of Justicee. These threats which the hon. gentleman speaks of are in the nature of breaches of the peace, and can be taken cognizance of by any magistrate under the Summary Convictions Act.

HON. MR. DEBOUCHERVILLE—I cannot see much difference between a verbal threat and a threat in writing, and I see no reason why the two offences should be treated differently.

HON. MR. ABBOTT—If a man utters a threat *viva voce* he can be brought before a justice, and if the threat was sufficiently violent to justify it, he can be punished, or he may be held to bail to keep the peace.

HON. MR. DEBOUCHERVILLE—Why make it different from threats by letter?

HON. MR. ABBOTT—These threats by letter are generally made for the purpose of extorting money.

HON. MR. POWER—I had proposed to move an amendment to the fourth clause of this Bill, but upon mentioning it to a friend of mine he indicated certain objections to so doing, and I do not therefore propose to move it: but I take the liberty of referring to a matter which must have come under the notice of nearly every member of this House. Anyone who read the evening papers yesterday must have been struck with the detailed account of a case of seduction by a member of the Civil Service, a servant of one of the Houses of Parliament, the plaintiff in the case being a girl a little over the age of sixteen years. I see by the morning paper that the jury found a verdict for the plaintiff, awarding $1,000. I do not know whether the parties interested intend to have this man criminally prosecuted. I think it is the duty of whoever is in charge of the Ontario criminal business in Ottawa to see that the machinery of the criminal law is set in operation against this man. I wish to call the attention of the leader of the House to this fact, that if the evidence in the case is to be relied upon, this is a case of most deliberate and cold-blooded character, and I think it is the duty of the Government, who are carrying this Bill through Parliament for the purpose of protecting innocent women throughout the country, to take that case into consideration, and to see that that man is dismissed from the public service if they are

satisfied that the decision of the court was correct. I think it is a public scandal to have a man of that sort in the service of Parliament, and it is only my duty to call the attention of the Government to the matter, and I presume they will take it into their consideration.

HON. MR. VIDAL, from the committee, reported the Bill with amendments, which were concurred in

The Bill was then read the third time, and passed

The Senate adjourned at 9 o'clock.

THE SENATE.

Ottawa, Friday, May 2nd, 1890.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbors, without amendment, were read the third time and passed:—

Bill (141) "An Act to facilitate the purchase by the Pontiac Pacific Junction Railway Company from the Canadian Pacific Railway Company of the branch line of Railway between Hull and Aylmer." (Mr. Ogilvie.)

Bill (123) "An Act respecting the Ontario Pacific Railway Company." (Mr. MacInnes, Burlington.)

THE COMBINES BILL.

REPORTED FROM COMMITTEE.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (77) "An Act to amend the Act for the prevention and suppression of Combinations formed in restraint of Trade," recommending that the Bill be not passed. He said: This is a report of a somewhat novel character, and is rather important, and requires, I think, careful consideration by the House. It is the desire of the promoter of the Bill that we should not now take action on the report, but have it in our minutes, in order that hon. gentlemen may be acquainted with it. I move, therefore, that the report be taken into consideration on Wednesday next.

HON. MR. SCOTT—This is not a private Bill; it is a public Bill, and cannot be disposed of by the Committee on Banking and Commerce; although it may have been referred to that committee, it must still go through its stages in the House. The rule of Parliament is that public Bills do not go to private committees. Those committees are for private Bills exclusively. I was not aware that this Bill had been sent there; it should not have gone there. It should only have gone by the general consent of the House, because the proper place to consider a public Bill is in a Committee of the Whole House. I hope the regular stages may not be thwarted by the reference of the Bill to the Committee on Banking and Commerce.

HON. MR. McCALLUM—The object of referring the Bill to the Committee on Banking and Commerce was to enable several delegations from all over the country to be heard. Rather than take the report into consideration to-day, at the request of several members who wish to take part in the discussion I have requested the chairman of the committee to let the report stand until some time next week. As far as I am personally concerned, I am ready to go on now.

HON. MR. MILLER—I take exception altogether to the position assumed by the hon. gentleman from Ottawa. This is a public Bill, and in the usual course would have gone to a Committee of the Whole House. But it was quite competent for the House to send it to a private committee, as they did, for the convenience of parties interested in it. The House having sent it to a private committee, it is quite in order for the hon. gentleman to report as he has done, and quite in order for the House to adopt that report without referring the Bill to a Committee of the Whole. Of course, it is also in order for any member, if he thinks proper, to move that the report be referred to a Committee of the Whole, but there is nothing certainly out of order in the course which the hon. chairman has thought proper to adopt in presenting the report which has just now been read to the House.

HON. MR. McCALLUM—The only object I had in view in sending the Bill to

the Committee on Banking and Commerce was to give all parties an opportunity to be heard.

THE SPEAKER—I think it is right that hon. gentlemen should be reminded that when this matter came before the House it was specially mentioned that a number of deputations were coming here, and it would be more convenient to have the Bill referred to the Committee on Banking and Commerce.

HON. MR. DICKEY—This is no unusual or extraordinary course. We did the same thing the other day with the Government Bill—the Railway Bill—very much for the same reason, for the convenience of the parties, and it was quietly disposed of after a patient hearing of all parties interested. I am not one to object to the course pursued in this instance.

The motion was agreed to.

REFUNDING FEES IN DIVORCE CASES.

MOTION.

HON. MR. SANFORD moved—

That the fee of two hundred dollars, paid to the Clerk of this House by Emily Walker in presenting her petition for an Act to dissolve her marriage with Alfred Percy Walker, be refunded to her, less the expenses incurred. Also, all the exhibits filed by the petitioner at the hearing of the evidence.

He said: In making this motion I have simply followed the usual procedure in this House in connection with divorce cases, where parties applying have failed to secure relief.

HON. MR. MILLER—Of course, it has been the practice of this House and the other House also to return the fee where Bills have failed to get through, but I think it is a question worthy the consideration of this House whether, especially in cases of applications for divorce, this rule ought to prevail. We know that those cases involve very heavy expense. I am told that in one case this Session the expense to the country will be about $1,000. Under these circumstances, I do not know that it is a wise policy to return any of the $200, as is done in other cases. It is worthy of the consideration of the House. I do not oppose my hon. friend's motion, but I think in these divorce cases an exception should be made, and where the expenses have largely exceeded the $200 paid in connection with the Bill, no part of that money should be refunded.

HON. MR. KAULBACH—I do not rise to oppose this motion, for I think this is an exceptional case. I should like to see the petitioner in this matter get back the balance, after paying the expenses incurred, because I think that, as a result of the decision in this case, Parliament will be relieved of applications of a similar nature. I think it has been beneficial to Parliament and to the country that it has been decided that we will not grant divorce except for a cardinal offence. The hon. gentleman from Hamilton assumes that it has been usual to make application for a refund when a private Bill has not passed. It has been done, but it is not the usual course. It is not the desire of Parliament that we should make divorce as cheap as possible. In no other court to which people apply for relief do they get a return of the deposit, especially where the expenses are so much in excess of the amount paid in. What I think is an injustice is that the $200 paid in goes immediately to the credit of the Receiver General, while the costs of these divorces are charged to the contingent accounts of the Senate. That is not right, and some means should be taken to make a change, so that it will be shown that the contingent account is so much less the amount expended in connection with divorce cases. I think the case which is under consideration is one in which the money ought to be refunded.

HON. MR. DICKEY—I should be the last person to oppose anything in the way of discouragement to these divorce proceedings; at the same time, I think the House will not be disposed to introduce a new principle, applicable for the reason that the rule requiring the deposit of the $200 is the same rule with regard to all private Bills, and if it is suggested that we should change the principle here it would be necessary to introduce a new rule with ragard to divorce proceedings. Therefore, it is a matter that might well be considered. I differ from the hon. gentleman who has just taken his seat, that the fee for those private Bills—and I speak of it solely as one of a class of private Bills—is a fee of indemnity. It is intended to protect this House against expense to a certain extent, and the House has thought

proper in its wisdom to fix the sum at $200. In this case, the expense will only be a small proportion of that, and in another case it may be three or four times as much. In that case there may not be any necessity for passing an order at all; still, we must keep to the rule, and at some future time, if it is brought up, naturally we will have an opportunity of considering whether it is advisable to make a new rule with regard to divorce cases. I have no desire to throw a shield of protection round divorce; it would rathar be the other way, in consequence of the trouble I have had with those cases for some years past.

HON. MR. ABBOTT—I agree with the hon. gentleman from Amherst that we should not suddenly or arbitrarily depart from what has been the practice of this House, but I do not say that the principle which applies to other private Bills applies with the same force to Bills of divorce; for, in considering Bills of divorce we incur a large expenditure that is not incurred in the discussion of other Bills. While we recognise the principle that this $200 is for the purpose of covering expenses by the very form in which the hon. gentleman put his motion, that the expenses, are to be deducted from the $200, we do not carry out this principle fully if we apply it only to the printing. The printing is only a small portion of the expenses of this House in carrying a Bill of divorce as far as this one went. Perhaps, without departing now from the ordinary practice, by refusing to refund this money, people who desire to come before this House for divorce should be put on their guard, and should not expect in the future, as a matter of course, the return of their deposit where their application fails. I think this House would do well to consider how far the money ought to be retained to pay any expenses that may have been incurred to carry on the proceedings.

HON. MR. DICKEY—This does not apply only to the expense of printing, but to other expenses.

HON. MR. KAULBACH—This is an actual payment, according to the Rules of the House, and therefore it cannot be treated as if it were put in to indemnify the House for any expense that may be incurred.

HON. MR. SANFORD—In this case we are simply seeking to follow a precedent that has been followed in this House very largely, and this is a case in which there is an exceptional claim upon our sympathies from the fact that this young woman, whose record is unquestioned, is placed to-day, with limited means, dependant wholly upon herself and the small inheritance she has, and the balance in our hands, whatever balance that may be after deducting the necessary costs, is an important item for her to have. I hope the House will not make an exceptional case of this one.

The motion was agreed to.

CLAPP DIVORCE CASE.

MOTION.

HON. MR. CLEMOW moved—

That the fee of two hundred dollars, paid to the Clerk of this House by David P. Clapp, in presenting his petition for an Act to dissolve his marriage with Alice Mae Clapp or Macdonald, be refunded to him, less the expenses incurred. Also, all the exhibits filed by petitioner at the hearing of the evidence.

This is a similar proposition to the one that has just been assented to by the House, but I believe that in this case there will be a much less sum to be refunded in consequence of the expenses incurred.

HON. MR. FLINT—I appear to be a standing or sitting seconder for my hon. friend on my left and my hon. friend on my right, and I have no objection to seconding anything that he brings forward; but in this case the balance, if any, should be given to Mrs. Clapp; I think she is more entitled to it than Mr. Clapp is. The two cases before us are very different to-day, and I should hope that the sense of the House would be, instead of giving the balance to Mr. Clapp they would pay over what balance there may be to Mrs. Clapp, who deserves it.

HON. MR. KAULBACH—I think it is necessary to create a precedent. The hon. gentleman who has moved in this matter has stated that the balance to be returned is so small that it would not affect the petitioner very much, and we had better now make the precedent and let the House decide that they will not hereafter refund the money. This case is different from the previous one. There all the facts were unanimously agreed upon. The peti-

tioner in this case had no merit on his side, and we should now decide that hereafter no refund will be made in these cases.

The motion was agreed to.

BILLS INTRODUCED.

Rill (CC) "An Act respecting certain Savings Banks in the Province of Quebec." (Mr. Abbott.)

THE RAILWAYS BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (Z) "An Act respecting Railways."

HON. MR. POWER—This Bill comes back to us in a different form from that in which it went to the committee. In fact, the two most important clauses in the Bill have been stricken out, and there has not been any discussion on the subject in the House. I do not propose to discuss the clauses that have been stricken out, but I rise for the purpose of moving an amendment. The fourth clause of this Bill was intended to remedy an injustice which arose under the existing law. The fourth clause strikes out sub-section 3 of section 194, and substitutes the following therefor:—

"3. If the company omits to erect and complete, as aforesaid, any fence or cattle guard, or if, after it is completed, the company neglects to maintain the same as aforesaid, and if in consequence of such omission or neglect any animal gets upon the railway from an adjoining place where, under the circumstances, it might properly be, then the company shall be liable to the owner of every such animal for all damages in respect of it caused by any of the company's trains or engines; and no animal allowed by law to run at large shall be held to be improperly on a place adjoining the railway merely for the reason that the owner or occupant of such place has not permitted it to be there."

The cause of this change in the law was a case that occurred in the immediate neighborhood of this city. In Ontario there is a statute which legalizes the running at large of one man's cattle upon another man's land, provided there is no fence to prevent them from getting there; and the cattle then, sometimes through the default of the railway company in fencing their line, get on the railway track and are killed, and under the law as it stands the owner has no redress. The object of this provision is to give him redress. As the law stands now, unless the cattle get on the railway track from the property of the owner he has no redress. This amendment proposes that where cattle get on the railway from the place where the cattle are by law allowed to be, then the owner may recover for them if they are killed by the company's trains. I think that is a right and proper thing, because the immediate cause of the destruction of the cattle is the neglect of the railway company to fence their road. It is a very common practice in the Province of Nova Scotia, and I presume it is the same in New Brunswick, that cattle are allowed to run at large upon wild lands owned by the neighbors or owners of the cattle, and if these cattle get on the railway track there is no reason why the railway company or the Government, as the case may be, should not pay for the cattle if they are killed, owing to the default of the railway company or of the Government in not fencing the road. I have been told by the hon. gentleman from Colchester of a case within his own knowledge where the cattle of two parties were herded together, and they got on the railway track from the lands of one of the owners, and the man from whose land the cattle got on the track was paid for the destruction of his cattle, while his neighbor received no compensation. I think that is evidently unfair. If a man chooses to allow his neighbor's cattle to run over his land, and, owing to the neglect of the railway company or of the Government to fence the railway track the cattle are killed, I think the neighbor should have the right to recover for them. My motion is that the Bill be not now read the third time, but that it be amended by striking out the words "by law" in the second line on the second page.

HON. MR. SCOTT—This amendment is proposed to meet the very case mentioned by the hon. gentleman from Halifax, a case of the cattle of "A" being killed, having got on the track from the land of "B," and I think it meets it entirely and fully.

HON. MR. POWER—It meets it in the Province of Ontario only.

HON. MR. SCOTT—It meets it everywhere. The words "by law" are simply introduced for the purpose of relieving the railway company of the responsibility of killing animals where they are not allowed by law to run at large. For

instance, take a town or city: there are by-laws there that cattle shall not be allowed to run at large. Railway companies do not fence their track in such places and it would be impossible to fence them. If cattle are running at large the owner takes his chances, and they are liable to be impounded. That is practically the law all over the Dominion, that where a municipal by-law provides that cattle shall not be allowed to run at large, if they are allowed to run at large and are killed on the railway the railway company is not held liable. The company would be liable for cattle killed at a crossing. There are particular sections of the Railway Act which require that cattle shall be in charge of a custodian at such points. If you strike out the words "by law," then in all cases the companies would become liable. The case suggested by my hon. friend is one that is met by this clause, and the reason of it is this, that in the Act the clause which it amends provides:

"Until such cattle guards are duly made and completed, and if after they are so made and completed they are not duly maintained, the company shall be liable for all damages done by its trains and engines to cattle, horses and other animals, not wrongfully on the railway, and having got there in consequence of the omission to make, complete and maintain such fences and cattle guards as aforesaid."

It was held by many of the judges that the effect of the words "not wrongfully on the railway" was to exempt the company from the consequence of killing animals where the animals got on the track by trespassing on a neighbor's property. The effect of the amendment is to make the provision very much wider—to hold the company liable for animals killed under circumstances which the general Railway Act of 1888 did not cover, inasmuch as in many places in the country cattle are allowed to run at large, and one neighbor allows the cattle of an adjoining neighbor to go on his pasture, and from there may escape on to the track together. Under the law as it is proposed to make it, the owner, not alone of that property from which the cattle got on to the track, but the owners of any animals that go on through that particular piece of land, would be able to hold the company liable, the word "wrongfully" being omitted in this section, and the clause being made to apply generally.

HON. MR. KAULBACH—If the views of the hon. gentleman from Ottawa are correct with regard to the case which the hon. gentleman from Halifax has stated, I would be in favor of letting the Bill go as it is; but I do not exactly see that it is so. I think the case that my hon. friend has stated, where the division fence between two parties is allowed to go down and cattle are allowed to roam over both properties, it would be very hard if the law, as it now is, provides one owner should be paid for his cattle if they are killed on the railway track and the other owner should not be paid. There are many such cases in Nova Scotia, and if my hon. friend has stated the decisions in such cases correctly, his amendment is necessary. In Nova Scotia, in many neighborhoods, cattle run in common or unfenced lands, and it is necessary that railway companies should fence their track, and adopt every possible means to prevent accident. It is in the public interest, apart from the interest of the people owning the cattle in the country, that railways should be careful to protect their track from all trespass which might endanger life and property.

HON. MR. MCKAY—I have some knowledge of these difficulties that we have had to meet heretofore. In my own county, of which I was the representative in the House of Commons, I have met with this difficulty continuously. We have a range of country along the line of railway where, by mutual consent, the cattle of the neighbors roam at will. The manager of the Intercolonial Railway is a law unto himself, and when cases of this kind occur, where cattle have gone from these commons on to the railway, and were killed, the railways managers have positively refused to pay for any that did not come on the track from the property of the owner. I confess that I have no desire that the law should be made so open that cattle ranging at large on the highway and getting on the railway should be paid for by the company if killed, but I think where cattle are running in common on a field, with the consent of the owner of the field, the responsibility of the railway should be the same, whether they were on the owner's land or not. We cannot enter a suit against the Intercolonial Railway, as it is owned by the Government, and people have to take what the manager of the road offers to pay for a beast that is killed on their track.

HON. MR. POWER—The hon. gentleman from Ottawa is somewhat mistaken in the use of the words "by law" in Ontario. They have a law which legalizes cattle running at large. We have not that statute in Nova Scotia. Then the objection taken by the hon. gentleman from Ottawa is not good in another respect, for if he looks at another part of the clause he will find that it provides: "If in consequence of such omission or neglect any animal gets upon the railway from an adjoining place where, under the circumstances, it might properly be, &c.," and if it is in a town where it would be contrary to the by-law to have the animal in that place, then the party could not recover.

HON. MR. MILLER—Would not that include the case stated by the hon. gentleman from Colchester?

HON. MR. POWER—No; because it is contrary to the law of Nova Scotia that the animal should be on the land of anyone but the owner.

HON. MR. ABBOTT—Is it contrary to the statute that the cattle should be on other land than that of the owner with the consent of the owner of the property?

HON. MR. POWER—I do not know that it is. I would remind the House that in the case of the New Brunswick school law the ultimate decision turned on the fact that the separate schools which existed before Confederation were not authorized by law, but existed on sufferance, and because the British North America Act contained these two words "by law" the New Brunswick School Act question was decided in a different sense from what it would have been decided if those two words had not been placed in the Act.

HON. MR. ABBOTT—I do not think my hon. friend's quotation of that precedent ought to do him much good. I do not see any analogy at all between the two cases. The clause, as the hon. gentleman from Ottawa observes, meets exactly the case which the hon. gentleman puts. My hon. friend puts the case where cattle are roaming by consent of the proprietors of the property, in common, upon their respective properties, and therefore no one can deny that these cattle are properly there. If they are properly there, then the company is liable if they stray on the track and are killed. The latter part of the clause provides: "and no animal allowed by law to run at large shall be held to be improperly on a place adjoining the railway merely for the reason that the owner or occupant of such place has not permitted it to be there." So that the latter portion of the clause emphasizes the former portion, that when an animal is on a place where the law allows him to be his owner is not deprived of his remedy because the owner has not expressly permitted him to be there. In Ontario there may be such a statute as my hon. friend speaks of, but it is a very common practice in Ontario for animals to be allowed by municipal regulation to run at large over pastures, or wild land, or semi-cultivated property, and that is the case that in reality corresponds with my hon. friend's case, and it is more to meet that case than any other that this law was introduced. At present, as it stands, animals referred to by my hon. friend are protected by this law, and if they are roaming by the mutual consent of the proprietors on the property they are properly there, even if that consent be implied only, and not expressed.

HON. MR. MILLER—Or in the enjoyment of the rights of common.

HON. MR. ABBOTT—Yes. What does my hon. friend's amendment do? If animals stray about the country, wandering about the roads, going where they ought not to be, then they are there illegally, and the railway is in no way bound to fence them out from their track; but my hon. friend's amendment would make the railway responsible for it if they endangered life and property. Such a law does not exist anywhere. In other countries the owner of an animal to have a remedy against the company if it is injured can only have it if the animal comes upon the railway track from the owner's property, or from some place where it has expressly a right to be—as, for instance, a leased place, or where it is out at pasture. We are extending it much further than that—much further than any other law I know of extends it; and I may say that that clause has been pressed very strongly upon the Government, and by the Government upon the railway companies, because it was considered and decided upon most carefully by the representatives of the various districts where injuries of

this kind had occurred, and where lawsuits respecting cattle had been frequent, where, in fact, they knew all about the risks that were run, and were good judges of the rights which they desired to have protected by the amendment to the statute. In making this amendment the Government have gone as far as they possibly could go.

HON. MR. KAULBACH—How would the law apply to Crown land? There are many parts of Nova Scotia were there are lands belonging to the Crown on which cattle roam. Does my hon. friend think that the law should apply to such lands?

HON. MR. ABBOTT—It the Crown allows the cattle to roam there it cannot be said that they are illegally there.

HON. MR. DICKEY—It is very desirable that some law should be passed on this subject, because in the absence of any law these very difficulties occur which have been adverted to my hon. friend from Colchester, and it was in order to remove doubts and give better protection to the public that this clause was put in. In doing that there was a difficulty in adapting it to the varying circumstances of the different Provinces, and what better standard could you take, apart from the objection which I will notice presently, than by saying "being allowed by law." We made it sufficiently comprehensive and elastic to meet the varying circumstances of the different Provinces. My reason for saying that is this: the only doubt I had in my own mind as to this clause was how far we might be considered as trenching on the civil rights of the different Provinces. My difficulty was met by these words, "allowed by law"—that is to say, the law of the country through which the road passes. I do not think the clause is open to the criticism that has been passed on it. I am very sorry indeed that our attention was not called to this, and it is unfortunate that the objection was not made so that we could have fully considered it in committee.

HON. MR. POWER—I moved that amendment in committee.

HON. MR. DICKEY—As far as we could consider it at the moment, we thought that we hit on the very best course we could by using those words "allowed by law." I have a decided objection to these words being struck out, because I think they are a protection to the different Provinces through which the railways run.

The amendment was declared lost on a division.

HON. MR. LOUGHEED—When this matter was before the committee I directed the attention of the leader of the Senate to the fact that this section, while it casts certain duties upon railways running through municipalities in the Provinces, in my opinion would not, from its peculiar construction, reach the North-West Territories. I therefore submitted to the committee a suggestion that the matter should be looked into, and gave notice that I probably would move an amendment at the third reading. Upon looking at it more closely I see that it is so constructed that it does not extend to the Territories. I therefore move that the said Bill be not now read a third time, but that it be amended by inserting the following as clause (*a*):—

Section 194 of the Railway Act is hereby amended by adding the following words to the first clause thereof:—

"It is further provided that in the Western Territories of Canada, when municipalities have been organized under the municipal laws of the said Territories, the land through which any railway runs in such municipalities shall be protected by fences, gates and cattle guards, as in this section provided."

I understand that from the nature of the municipal laws in Manitoba and British Columbia, the municipal laws referred to in the section are not such as to allow its extension even to those two Provinces. I hope the leader of the House may see his way to permit this amendment to be made, so that we can benefit by this law in the Western Territories.

HON. MR ABBOTT—This matter was discussed slightly, as my hon. friend says, in the Railway Committee, when representatives of the various railways interested were present, and was strongly objected to. The point that is made against my hon. friend's motion is this, that under the system which prevails it would be practicable so to organize municipalities without in reality any material population, as to compel the numerous railway companies that are now in existence in the North-West to fence their entire lands, even though there might not be any cattle within miles of the track, or any necessity

for such a fence. The system, I understand, is that on the petition of two-thirds of the actual population of a territory, or portion of a territory, the Lieutenant-Governor may create that section into a municipality; so that if there were thirty-three settlers in a territory, which might be of any extent almost, twenty-two of them could petition the Lieutenant-Governor and get the district erected into a municipality, and that would compel any railway company whose line passed through that district to fence its entire frontage through that territory, although there might be only a very sparse settlement. How far the actual needs of these municipalities require to be met is not very easy to be decided in a moment. The law provides fully for ordinary municipalities, and compels the fencing of the frontage of a railway on both sides in these municipalities, and, I think, by a subsequent clause, requires further fencing where there are settlers. The railway companies are compelled to fence. Under these circumstances, and considering the enormous magnitude of what my hon. friend proposes to impose on the railway companies, I should hesitate to accept his amendment. I undertake to say that the question will be looked into, and we will endeavor to ascertain how far we can give additional protection to tracts of country not organized into municipalities as contemplated by the Act as it stands, but at this moment I could not undertake to accept an amendment of such enormous importance as this.

HON. MR. POWER—The object of the hon. gentleman from Calgary might be met by applying to the Territories the provisions which apply to the Maritime Provinces now.

HON. MR. ABBOTT—I think the law says that now with respect to the whole country.

HON. MR. POWER—It provides that at the time of the construction of a railway the company shall make a fence where the land is occupied; but there does not seem to be any provision for a case where the lands are not occupied until after the construction of the railway.

HON. MR. ABBOTT—I think there is a clause which compels them to construct a fence on six months' notice.

HON. MR. LOUGHEED—I am quite well aware of the fact that it would entail a very large expense on the railway companies at the present time, and as the matter was brought hurriedly before the Railway Committee, without sufficient time to permit of a proper consideration being given to it, I am prepared to withdraw the amendment, on the assurance of the leader of the House that the matter will receive the consideration of the Government before next session.

HON. MR. ABBOTT—I can assure my hon. friend that it will receive the careful consideration of the Government.

HON. MR. LOUGHEED—I was about to direct the attention of the House to a difficulty which has arisen in Manitoba, owing to the construction placed upon the Railwas Act by one of the registrars under the Torrens Act. I understand the attention of the leader of the House has been directed to the fact. The difficulty arose in this way: Under the previous Railway Act, before the consolidation of 1888, it was contended that powers were not given at that time to the railway companies to acquire lands by purchase. Certain town sites had been acquired by purchase by the C. P. R. Co., and were afterwards sold. On application of the purchasers for a certificate of title under the Torrens Act a difficulty thus arose. It was held by the registrar that the railway companies not having the power to purchase those lands, they therefore had not the power to sell and to make title to same, and hence a certificate could not be issued under the Act. The attention of the leader of the House, I understand, has been directed to it, and a suggestion was made that section 1 of this amending Act should be so amended as to meet the difficulty which had arisen, making the law retroactive to reach the transactions which have already taken place.

HON. MR. ABBOTT—My attention has been directed to this question, but I doubt if the difficulty really exists, except, perhaps, in the mind of the registrar. The General Railway Act which was in force previous to the Revised Statutes contains a clause which authorizes a railway company desiring to acquire land for its stations or other conveniences to acquire a larger portion of land than it needs, if by

so doing it can purchase cheaper than by getting the precise quantity required for railway purposes. That clause is very full, and it expressly authorized the company, after taking what it requires for the purposes of its railway to sell the remainder in such a manner as it may deem fit. The subject was mentioned to me by one or two gentlemen, who, I dare say, have been speaking to my hon. friend about it too. They explained the objection of this registrar, and it was stated that the provision which exists in the Railway Act in the Revised Statutes, which is precisely of the nature I have just mentioned, did not exits in the previous statute: but it does exist in the previous statute, and in my opinion there is no possible difficulty in the sale by the railway company of any surplus land it may have acquired in this way over and above what it actually needs for its convenience. There is no difficulty in selling that land in any way that the company thinks proper. If the registrar refuses to register such sales on the ground that the company had no right to sell such lands I think he is wrong, and he could be compelled by mandamus or otherwise to make the registration: so that, as far as that difficulty goes, I do not think an amendment is needed. Of course the amendment suggested, it might be said, would be harmless; but, on the other hand, it might not be harmless. It might encourage to speculation in lands if a railway company were authorized to sell any land it might acquire any how or from any person—it might be construed into authorizing the railway company to deal in land, to buy it on speculation, with the hope of selling at a profit, which is not within the functions of a railway company. It seems to me it is going far enough to say that if the railway company finds it necessary to acquire more land than it needs it may sell the surplus, after keeping what it needs—and that is the state of the law.

HON. MR. LOUGHEED—The difficulty I apprehend arose in the very way mentioned by my hon. friend: the land, I am informed, was not acquired for the "purposes of the railway," but rather for town sites, and therefore was acquired for a speculative object, and doubtless the difficulty has arisen in that way. But as my attention has only been directed to it within the last hour, I am not prepared to say that my hon. friend is not right. The member who represents the county of Selkirk in the House of Commons, and who lives in the city of Brandon, called my attention to it, and requested me to bring the matter before the House.

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

BILL INTRODUCED.

Bill (137) "An Act to amend the Gas Inspection Act." (Mr. Smith.)

The Senate adjourned at 4.25 p.m.

THE SENATE.

Ottawa, Monday, May 5th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

INDIAN ADVANCEMENT ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (132) "An Act to amend the Indian Advancement Act, Chapter 44 of the Revised Statutes."

(In the Committee.)

HON. MR. ABBOTT said: The first clause does not exactly meet the desire of the Department. It provides that the previous consent of the Indians of a reserve must be obtained before the reserve is divided into sections. Now, what is intended is to give power to divide the reserve into sections or to constitute the reserve one section by itself, if the Indians so desire it. I have here an amendment, which I now move, to that effect.

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

HON. MR. SCOTT—Where those Indian reserves are within municipalities that are organized I cannot see that the Department can take power to deal with such a question.

HON. MR. ABBOTT—I think the Bill applies only to reserves in the North-West.

HON. MR. POWER—Section 2 of the chapter that we are amending says that this Act may be made applicable to any band of Indians in any Province.

HON. MR. ABBOTT—This particular clause must necessarily apply to Indians in the North-West, because the reserves in the older Provinces are already divided into smaller sections.

HON. MR. SCOTT—Only some of them.

HON. MR. ABBOTT—All that I know of are. If any are not divided, this section would apply to them.

HON. MR. MACINNES (Burlington), from the committee, reported the Bill with the amendment, which was concurred in.

The Bill was then read the third time, and passed.

INDIAN ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (BB) "An Act further to amend 'The Indian Act.'"

(In the Committee.)

HON. MR. ABBOTT—Section 16 of the old Act provides that no Indian shall be deemed to be lawfully in possession of land until he receives a certificate. He has a qualified right to the land on which he has made improvements, but the issuing of this certificate is a matter which requires considerable delay, and it is thought expedient to give him a temporary certificate of occupancy. This clause simply makes a temporary provision that, pending the issuing of the regular location ticket (which requires the sanction of the band and other formalities), the Indian may be located temporarily on any land that he selects, with the approval of the Superintendent General.

HON. MR. GIRARD—The Indian Commissioner is given the power to cancel certificates at any time. Suppose an Indian makes improvements on a lot and the certificate is subsequently cancelled, is the Indian entitled to any indemnity for his improvements?

HON. MR. ABBOTT—Yes; clause 16 provides for that.

The clause was adopted.

On the 3rd clause,

HON. MR. ABBOTT said: I propose to ask the committee to strike out clauses 3 and 4, with their sub-sections. The difficulty which it was intended to remedy is a trespass which frequently occurs, and which the statute already provides against: but while the statute provides that no trespass by cattle or otherwise shall take place on an Indian reserve, and gives the agent power to remove persons who remain there without justification, it does not, as it now stands, provide any penalty for this, and the attempt to make it penal to this extent has aroused a good deal of opposition from settlers, which seems to be, to a large extent, justified. Of course, in the Territories there are no fences on the Indian reserves, and the farms are not fenced. During the summer season the people protect their crops from the cattle by herding, and during the rest of the year the cattle stray at large. To render it penal to allow cattle to stray upon a reserve when the law does not make it penal to allow cattle to stray upon any other property would seem to be an injustice to begin with, and would probably impose too severe a burden on the settlers. The Minister has concluded that he will not press these clauses creating these penalties until he has further looked into the matter, and consulted the people and ascertained what measure of protection can really be given without injustice. I therefore move that clauses 3 and 4, with their sub-sections, be struck out of the Bill.

The motion was agreed to.

On clause 9,—

HON. MR. ABBOTT said: Clause 9 is a reproduction of the former Act, only the former Act was to protect the Indians in the possession of the animals and other things given them by the Government, and prohibiting them from disposing of them. This is made to include the progeny of such animals, which were held not to be included in the law as it stood.

The clause was agreed to.

On the 11th clause,—

HON. MR. ABBOTT said: Clause 11 is one which makes provision for an Indian deserting his family without just cause. This is a clause which has been

asked for by the Grand Council of the Six Nation Indians, and the Minister is satisfied, by the report of his agents, that it is a proper clause and should be passed. It seems by its terms to be reasonable and proper, but I would make a little amendment here. The first words of this clause are different from the introductory words of the other clause. It is said that the Indian Act is hereby amended. It should be "the said Act."

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

On clause 12,—

HON. MR. ABBOTT said: There is an objection made to extending the power of two justices of the peace to Indian agents. In reality it is scarcely possible to do otherwise. The class of offences which it is intended to guard against is comparatively a small one, and the Indian agent is usually chosen for his intelligence and knowledge of the Indian character. I brought the matter before my colleagues and they think that the clause ought to be adopted, with jurisdiction for the purposes of this Act only, and for offences against public morals and public convenience, which we think should be administered by the Indian agent.

The clause was agreed to.

On clause 13,--

HON. Mr. ABBOTT—This is a clause which has caused some discussion as to the propriety of applying the laws respecting game in their entirety to the Indians. There is always a certain amount of indulgence to the Indians, insofar as they make use of the game they kill to support life. It has been proposed, and my colleague has consented to the amendment, that the Superintendent General shall have power to apply to the Indians only a portion of the game laws—that is to say, the portion that applies to some particular animals. It has been said that prairie chickens and whitefish ought to be protected, but it is not so important that a large number of animals and birds which are included in the game laws should be protected from the Indians. For that reason I ask the committee to insert after the word "Territories" in the 13th line the words:

"Or respecting such game as shall be specified in such notice."

HON. MR. GIRARD—If I understand right, this applies to game, and the word "game" does not apply to fish.

HON. MR. ABBOTT—That is defined in the game laws.

The amendment was agreed to.

On the, 14th section,—

HON. MR. ABBOTT—This section is to make provision that officials of the Department, missionaries and teachers, shall be prohibited from trading with the Indians.

HON. MR. DEBOUCHERVILLE — We have the right to prohibit officials or employés from trading with the Indians, but I do not see that we have any right to interfere with missionaries. I think it is not right that missionaries should act as traders with the Indians; still, I do not see that the Government have any right to prohibit them. They can prohibit officials who are in their employ, but missionaries are not in the employ of the Government.

HON. MR. ABBOTT — But my hon. friend will see that this Parliament has the right to legislate for the North-West Territories and the Indians.

HON. MR. GIRARD—There is a difference between having a power and abusing that power. There are a good many persons trading with the Indians now. The Hudson Bay Company have trading posts through the Territories, and trade with the Indians, and that clause with respect to missionaries may cause a great deal of difficulty. The missionaries trade in small articles that are generally sent to them by way of charity for the Indians, and they are given to the Indians for a small consideration. If you deprive the missionaries of the right of trading, the Indians will find some other way of getting these supplies, which certainly will not be as advantageous to themselves as the transactions they have from time to time with their missionaries. I think there should be some exception made in this clause for the protection of missionaries.

HON. MR. ABBOTT — Then all the traders in the Territories will trade with these Indians under the pretence of being missionaries. The difficulty that is desired to be guarded against is the defrauding of Indians, by traders of one class or another, of all they get from the Government,

which it is found almost impossible to prevent by the most stringent laws that we can make. Nobody will suppose for a moment that any real missionary belonging to an established church, and recognised by an established church, will defraud these Indians; on the contrary, I believe the missionaries are their greatest benefactors. At the same time, it is not necessary that they should trade with the Indians. If they wish to confer a benefit on them they can do it through some third party or in some other way. Unless persons who are engaged in mission work are prohibited from trading with the Indians, every rascal that comes over the boundary line will trade with them under the guise of religion.

HON. MR. MILLER—I think you had better keep missionaries to their legitimate work.

HON. MR. LOUGHEED—I think the clause is ambiguous. I refer to the 24th and 25th lines.

HON. MR. ABBOTT—It means Indians on a reserve.

HON. MR. POWER—I suppose the wording of this clause would not prevent a missionary from selling a prayer book to an Indian?

HON. MR. MACDONALD—No one is allowed to trade on the reserves except those who are specially licensed by the Government to do so; but in British Columbia missionaries cannot live except by trading with the Indians. Formerly this trade was in the hands of a few people who charged the Indians whatever prices they liked. After missions were established the Indians got fair prices for what they bought and sold, and I know that in many parts of British Columbia the missionaries could not get along without being allowed to trade. There must be stores on the reserve, and if you want to keep out traders who would sell spirits you must allow the missionaries to trade with the Indians. If you do not allow the missionaries to trade, others will come in under a subterfuge and sell liquors.

HON. MR. ABBOTT—The objection the hon. gentleman makes is so strong that perhaps we might extend the provision at the end of this clause, and say that missionaries may trade under license with the Indians.

HON. MR. McINNES (B. C.)—I think the Bill as it stands is preferable to any amendment that can be made. If the missionary who goes in amongst those Indians attends exclusively to his mission work he has all that he can do. I do not know, notwithstanding what my hon. colleague has stated, of any instance in British Columbia, with the exception of one, and that is Mr. Duncan, of a missionary trading with the Indians. That state of affairs has entirely passed away, and now there is no reserve in British Columbia where there are not legitimate traders in close proximity, who supply Indians with necessary supplies, and I think the clause had better pass as it is.

HON. MR. MACDONALD (B. C.)—At Metlakatlah, where Mr. Duncan formerly lived, the bishop keeps a store to supply the Indians; otherwise, the Indians would become demoralized. At Queen Charlotte Island all the supplies the Indians have are what the missionaries furnish to them.

HON. MR. McINNES (B. C.)—And the gentleman who supplies them has been the cause of more trouble and more genuine rows amongst the Indians, and has caused more dissatisfaction than any other man who has gone into British Columbia. I think if his power was increased it would be a misfortune to the Indians in that portion of the Dominion.

HON. MR. ABBOTT—I do not think any amendment to the clause is required, as far as I know the condition of the Indians in the North-West. I am impressed strongly with what the hon. gentleman from Victoria has said, but there seems to be a strong difference of opinion between him and his hon. colleague from New Westminster.

HON. MR. POWER—As this seems to represent the wishes of the Superintendent General, I do not see that any harm could arise by giving the Superintendent General the right to license a missionary to trade with these Indians if he thinks it expedient to do so. The Superintendent General will not allow it if it is an undesirable thing.

HON. MR. DEVER—There are many men who may call themselves missionaries, and may be at the same time unworthy people, and there should be some check on them.

HON. MR. ABBOTT—If the committee will pass the clause as it stands I will not ask the House to give the Bill the third reading to-day until I consult with my colleagues.

HON. MR. MACDONALD, from the committee, reported the Bill with certain amendments, which were concurred in.

ELECTORAL FRANCHISE BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (136) "An Act further to amend the Revised Statutes, Chapter 5, respecting the Electoral Franchise."

(In the Committee.)

On clause 2,—

HON. MR. ABBOTT moved to amend section 9 by striking out "North-West" and substituting therefor "Western."

HON. MR. MILLER—There is no such place yet as the Western Territories of Canada.

HON. MR. POWER—If the other Bill that passed this House this Session does not become law the objection will be good.

HON. MR. MILLER—Even though it does pass, that part of Canada is now known as the North-West Territories, and therefore should be referred to in this Bill as such. Of course, after the other Bill passes what is now known as the North-West Territories will be known as the Western Territories of Canada.

HON. MR. DICKEY—A general provision in a few words in the other Bill, saying that wherever the expression North-West Territories occurs in the Statutes it would mean the Western Territories would have been sufficient.

HON. MR. MILLER—I think the words "North-West Territories" should be used until the other Bill becomes law.

HON. MR. ABBOTT—I would not be surprised if my friend's opinion were right.

HON. MR. POWER—These Bills will all be assented to by the Governor General on the same day. A statute is regarded as beginning from the day it is assented to, and as the two Acts will go into operation on the same day, the reference to the Territories as the Western Territories will be perfectly correct.

HON. MR. ABBOTT—I shall make up my mind about it between now and the third reading of the Bill, and suggest to the House the mode that I propose to follow with regard to the subject. If necessary, the Bill can be altered at the third reading.

HON. MR. DEBOUCHERVILLE, from the committee, reported the Bill, with amendments, which were concurred in.

The Senate adjourned at 4:30 p. m.

THE SENATE.

Ottawa, Tuesday, May 6th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE GREAT MACKENZIE BASIN

MOTION.

HON. MR. GIRARD moved:

That in the opinion of this House, the time has arrived to organize that north-western part of the Dominion known as the Great Mackenzie Basin, and the attention of the Government is specially called to the necessity for adopting a scheme for the better protection of its people, its valuable mines, fisheries and hunting grounds.

He said: I have some hesitation in appearing before the Senate with a question of this importance, at this late period of the Session; but on looking at our Order Paper to-day I may be excused for calling the attention of hon. gentlemen to the important subject which I have the honor to lay before the House, when there are so few Orders before us for consideration. We are called here as members of Parliament, not only to assist in the legislation of the country, but to suggest to our rulers means by which this Dominion of ours can be made to appear to more advan-

tage before the different nations of the civilized world. We must take advantage of the Sessions of Parliament to make a close enquiry into all matters pertaining to the welfare of the country, in order that we may determine in what way its interests can be best served, and no stone should be left unturned, if anything good can be expected in turning it, to promote the development of the Dominion. It is impressed with that sense of duty that I come before you to-day, and venture to trespass upon the patience of the House while I ask the concurrence of hon. gentlemen in the resolutions which I have submitted, to declare that the time has arrived for the organization of that vast north-western portion of the Dominion, known as the Great Mackenzie Basin, and to call special attention to the necessity which exists for the Government to adopt some scheme for the better protection of its people, its valuable mines, its fisheries and its hunting grounds. Sir Alexander Mackenzie, just 100 years ago, was the first explorer of the numerous rivers and lakes of that wilderness, which had never before borne on its waters any larger vessel than the canoe of the savage: and, as will be found in the report of his voyages, the country was, at that time, a wilderness of mountains, valleys and streams; small bands of wandering Indians were the only people to be met there, the dreary waste, wide-spreading forests and lakes and rivers succeeding each other over vast areas of territory. What has been done during the last century for that country? Even its name was unknown to the great majority of the people of Canada, and it was a surprise to many when this House, two years ago, undertook to call the attention of the people of Canada to that important portion of our domain. A committee was appointed two Sessions ago, of which the present Lieutenant Governor of Manitoba was chairman, and we all remember the energy he displayed, and the labor he went through to obtain the information on which to base the interesting report of the committee on the extent and resources of that unknown part of our territory, which was laid before Parliament. I shall quote largely from that report to make out my case, and to convince hon. gentlemen to adopt my views, and lead them to appreciate, as I do, what has hitherto been an almost unknown region. The Senate has taken the first step in the good work, and it is our duty to direct the attention of the Government to the resources of that vast country, and to urge upon them to take advantage of the vast resources it offers, and develop them in such a way as to conduce to the profit and prosperity of the Dominion. It is a great country, important in the extent of its lands, its waters, its mines, its furs, and its fisheries. From the most reliable information that has been obtained, there appears to be a possible area of 656,000 square miles of country suitable for the growth of potatoes; 407,000 square miles suitable for barley; 316,000 square miles suitable for wheat, and all of that land, with the exception of some small areas, is a productive land, waiting for development, with a river navigation 275,000 miles in extent, of which 139,000 is suitable for stern-wheel steamers, the remaining 136,000 miles being deep enough for light draft sea-going steamers. Everything in that country is grand and promising. It may be said that there are difficulties in the way of settlement. I would call the attention of hon. gentlemen to the fact, that similar difficulties existed in the early settlement of old Canada. We remember the words that were pronouced at the Court of France, when the question of the expense of settling the northern part of the American continent was under consideration, and the statesmen of those days were trying to convince Louis the XIV, who was at the time king of France, of the advantage of opening up this country. Someone remarked that it was not desirable to expend so much money for some arpents of snow. The same remarks might be applied to-day to the Great Mackenzie Basin, by persons who have not considered the subject. No doubt, many people in the older Provinces now think it is not worth while expending much money for some arpents of snow in the Great Mackenzie Basin, but I am satisfied that before many years that those "arpents of snow" will become a wealthy and powerful part of this Dominion. If the king of France, who 130 years ago thought it was not necessary to expend so much money for some arpents of snow, could now visit the Dominion, and see what has been done in this country, beyond doubt he would not entertain the same opinion that he and his Court seemed to have at that time of

the value of the northern portion of this continent. The same remark will apply to the Mackenzie Basin. Everything in that country is grand and promising, but like every new country, the land requires settlers, and until it is opened up and organized we cannot form a just estimate of its value. The immense area of arable lands is, of itself, a sufficient guarantee for the future of that country; but there is also the further inducement of abundance of game and fish to contribute to the comfort and wealth of those who settle there. Fresh-water fish is to be found in all the lakes and streams in great abundance and of excellent quality. The fisheries of the Mackenzie Basin will be one of the great sources of supply for a large portion of the North American continent in future years. The sea fisheries at the mouth of the Mackenzie River are also very valuable. Amongst others is a species of salmon, locally called the Inconnu, which exists there in vast numbers. The forests contain timber suitable for all purposes connected with house and ship building, for mining, railways and bridge purposes, far in excess of the requirements of the country, and of great prospective value to the treeless regions of Canada and the United States to the south. I shall take the liberty, in order to make my case a little stronger, to quote some of the evidence given before a committee of this House two years ago. I shall not quote it at any length, but I want to carry conviction to the minds of hon. gentlemen that there is a good basis for what I ask in the resolution before the House. In the investigation that I have referred to the question was asked of Mr. Christie, an old Hudson Bay factor, a gentleman of the highest respectability who passed a life of adventure in that country, as inspector of the Hudson Bay Company posts: "In what respect can the basin of the Mackenzie be considered of value to the Dominion? Is it a mineral country." Mr. Christie, who had no interest in that country then, as he had left the employ of the Hudson Bay Company and was living in Ontario, replied:

"I will answer that question this way: It will depend on what discoveries may be made. It is a known fact that all the streams from the mountains south of the Saskatchewan even, and going north, are auriferous—that is to say, indications of gold are found in them. I make that statement from what I am told by miners who have gone up as far north as the Liard into the mountains. Then we have from the journals of the Artic expeditions—Franklin, Richardson and others—that on the Coppermine River copper exists in large quantities."

Further on he was asked about the Upper Peace River country, and he answers:

"The Upper Peace River, at Vermilion, is a splendid country. I rode with Governor Dallas sixty miles through a most magnificent country. The soil was a different dark loam, as we saw by the mole hills, and we were struck with the charming appearance of the country."

Again he is asked if there is enough land there to make a new Province, to which he replies:

"Yes. I sometimes hear the opinion expressed that our country may ere long become over populated, but there is not the slightest danger of that. You need not be afraid how many immigrants come into the country to settle. You may bring all the immigrants that Europe can send you. There is room for all in the Saskatchewan and Peace River country. There is a vast extent of splendid country from Prince Albert on the whole north side of the Saskatchewan going away up until you come near Fort Pitt, keeping a little to the north. Then when you come to the route of Green Lake there is two days journey through a magnificent country, beautifully timbered, well watered and supplied with abundance of fish. As I travelled through it, I remarked to one of my men, 'What a splendid country to settle in.'"

It is not necessary to call the attention of the House to all the advantages offered by the Mackenzie Basin for settlement. I have referred to the inestimable value of the fisheries. The mines have not yet been explored, but valuable minerals are in abundance—not only gold, but other valuable and economic minerals. I would refer hon. gentlemen on this point also to the report made last year to the Department of the Interior by Mr. Ogilvie, in which he says:

"It appears, therefore, that from Dunvegan, on the north side of Peace River, down the river to Peace Point, and thence to Salt River, on the Great Slave, there is a tract of country about six hundred miles in length and forty miles wide of which a large percentage is fit for immediate settlement, and a great deal more could be very easily cleared.

* * * * * * *

"At Dunvegan, notwithstanding the severity of the frosts, the crops are very good, both in quality and quantity. When I was there the Roman Catholic missionaries had threshed their grain, samples of which I brought back. The yield was as follows:—Fifty pounds of wheat were sown on the 16th April and reaped on the 20th August, and twenty-seven bushels threshed of good clean grain; fifteen pounds of Egyptian barley sown on the 18th April and reaped 20th August, and fifteen bushels threshed, weighing fully sixty pounds to the bushel. The Hudson's Bay Company and Episcopal Mission had not threshed, and could not give their returns; but they were well satisfied with their crops of all kinds. The Rev. Mr. Brick, of the Episcopal Mission, was already using bread when I was there made from wheat of the present year's growth.

* * * * * * *

"Fish are numerous in the Mackenzie, the principal species being that known as the 'Inconnu.' Those caught in the lower river are very good eating, much resembling salmon in taste, being also firm and juicy."

The mines, as I have said, have not been explored in that country, but we know that valuable ores exist in different parts of the territory. Enough is known to convince us that on the head waters of the Peace, Liard and Peel rivers there are from 150,000 to 200,000 square miles which may be considered auriferous. In addition to these auriferous deposits, gold has been found on the west shore of Hudson Bay, and is said to exist in certain portions of the barren grounds. We have also information that salt, sulphur and coal oil are found in that country in immense quantities. But the great wealth of the Mackenzie Basin is its furs, which, as the region is the last great fur preserve of the world, are of very great value, all the finer furs of commerce being found there. The sales in London of furs exported from those Territories amount yearly to several millions of dollars. Consequently, without unduly interfering with the rights of settlers, or the usual privileges of Indians, this great trade should be fostered, and, if possible, made a source of direct revenue to the Dominion. On this subject, I would quote from the report of Mr. Ogilvie to the Department of the Interior some observations he has made on the fur question from what he had noticed during his explorations in that country:

"Owing to excessive competition in the outer or southern parts of the district, the supply of fur is gradually decreasing, both in quantity and quality, or the Indians now kill anything they see at any time in the year, knowing that if one will not buy from them another will. I have known them to break into a beaver house in the month of June, after barring all means of exit, and kill both old and young, though the young were hardly able to crawl about. When there was only one trading company in the Territory such things were not only discouraged but punished, by declining to buy out of season, and refusing to give credit to the Indian guilty of such unnecessary destruction. In this way fur-bearing animals were protected from extermination * * * * * * If the present rate of decrease is maintained in the supply of fur, in a few years it will be but little assistance to the Indian as a means of living. Then he will, as far as possible, remove to the vicinity of the settlements, where the public will have to sustain him, and the only business now pursued in the northern part of the Territory will almost cease. The evil will, to a certain extent, work its own cure; for the stoppage of the trade will allow the fur-bearing animals to increase, until it pays white trappers to engage in hunting. Once the Indian becomes assured of a living elsewhere he will resort to the hunting field no more.

"I would respectfully suggest that some method be devised for restricting the indiscriminate slaughter of fur-bearing animals. For the greater part of this slaughter there is no reasonable excuse, as most o fthe fur-bearing animals are useless as food, or are never eaten (which is the same thing), and protecting them during the breeding season would entail no hardship on any one. To appoint and pay protective officers would probably cost more than the whole business is worth to the country, and the result would likely be a failure. An alternative would be to lease the country to companies in districts large enough, and for terms long enough to make it an object to them to protect the trade and preserve the fur from extermination. The lessees should also enter into bonds not to accept a skin out of season, or one too young, under a heavy penalty for breach of this condition. It would probably be difficult to prove any such breach, but the fear of the penalty and the profit from protecting the trade would, I believe, accomplish all that is desired."

It would be necessary, to protect fur-bearing animals, to compel all strangers coming into that country for hunting and trading purposes to pay a certain duty on each skin when they leave; and strict regulations should be made against the use of poisons, and especially against strychnine, in the capture of such animals as the fox and the wolf. Some protection also should be given to beavers; if not, they will be utterly destroyed before many years—especially if American adventurers are not prohibited from slaughtering them. Some measures should also be adopted with a view to protecting the whale fisheries of our northern waters, and at the same time to derive a revenue from them. We know how American whalers kill them, attacking them with harpoons, explosive bombs and lances, which methods not only destroy the whales with greater certainty, but inspire the survivors with such terror that they disappear from their breeding grounds. My intention in moving this resolution is to call the attention of the Government to the necessity for constituted authority in this country—but that is not all. The great object is to keep the country for ourselves; and I would certainly hold the Government responsible if any trouble should arise in that part of the Dominion. I have endeavored to point out the great natural resources of the Mackenzie Basin, and how far they can be made to contribute to the wealth and importance of the Dominion; yet what have we hitherto done? We try to do as much as we can for Manitoba and the North-West, but the Mackenzie Basin is entirely ignored. Our American neighbors are encroaching on our fishing grounds on the Pacific coast day by day, and they will endeavor to

make as much as they can in our Territories; and I fear that some organization may yet make its way, either from Alaska or by way of the Mackenzie River, into the interior, and arouse the hostility of the Indians and create trouble that might be very difficult to overcome. Of course, the Indians have their missionaries, who would do, as they always have done, not only in that country, but in every part of the Dominion, all in their power to encourage respect for constituted authority; but at that great distance from civilization, in a country inhabited only by Indians and a few traders and hunters, if any parties went in there with an evil intent, to take possession of that territory, they would undoubtedly succeed, unless there is some authority there to resist them—mounted police or soldiers, or whatever constituted authority the Government should be pleased to create there. I do not expect the Government to expend much money at present in the Mackenzie Basin country. We have Manitoba and the North-West still to settle, and we want people to come in there, and if the Government will expend large sums of money for that purpose they will deserve well of the Dominion. At the same time, they should not overlook that vast portion of the North-West to which I have endeavored to direct your attention. It is more important, in my opinion, than many other parts of the Dominion; and I venture to predict that in the not very distant future the Mackenzie Basin will be one of the most important and wealthy portions of the great North-West. It will be remembered that during the great struggles in Europe it was the people of the north who came to reestablish order everywhere. In the future it may be from the Great Mackenzie Basin that armies of strong men fitted for battle will come perhaps to save the Dominion from some difficult position in which we may at any time be placed. The resolution I have placed before the House will, I think, meet with the hearty concurrence of hon. gentlemen. It is a patriotic question, and one that I have undertaken to place before you with great diffidence, because I have to speak in a language that is not my own, and I am not always sure that I make myself understood. At the same time, I am so convinced of the great importance of this question that my deep interest in it and my entire sincerity will be my excuse for troubling the House on this occasion.

HON. MR. ABBOTT—I am sure that my hon. friend from Manitoba may be perfectly satisfied, as respects his advocacy of the interests of the people in the north-western portion of our Territories, that he has the entire sympathy, not only of this House, but of the Government, in his desire to preserve that country for the Dominion, and to take such preliminary steps as may further its ultimate development. I hope all his aspirations as to its importance as a part of the Dominion may be realized. I have no doubt that they will be in a great degree, though I do not hope that I myself, or perhaps my hon. friend will see it, but of course we do not legislate for to-day, but for the future, and the fact that the prosperity of this great territory may be deferred for some years until the natural overflow of population from the North-West Territories shall reach it should not at all deter us from taking such steps as may be necessary to further its ultimate settlement, and its ultimately reaching the importance which my hon. friend attributes to it in the great system of the Dominion. My hon. friend took an active part last year and the year before—more especially the year before last—in the discussion of the merits and capabilities of the great Mackenzie Basin, as a member of the committee which was appointed by the Senate for that purpose; and the Senate had in both those years an exposition of the views of hon. gentlemen who had made themselves acquainted with the resources of the Mackenzies Basin, in addition to the report itself. At the time that those documents were laid before the House I stated in the House that I would call the attention of my colleagues to the facts which had been brought out by the committee, and in the debates in the Senate; and, as is my habit, I carried out my promise, and during the past year the subject to which my hon. friend refers in his motion has been under the serious and careful consideration of the Government. They have come to the conclusion, to a certain extent in accordance with my hon. friend's motion, that the time has arrived when some steps must be taken towards the object he contemplates, and for that purpose it has been decided that as soon

as the weather favors the possibility of doing so, a party will be sent to this territory, which will spend the available season there for the purpose of examining into its position and resources, and the condition of its people; of acquiring, in fact, all such information, in an authentic form, as will be needful to enable the Government to decide what steps are necessary for the protection of this Territory, and to determine what steps they will take for that purpose, and we confidently expect that next Session we shall be able to state formally what measures we shall take for the protection and development of this Territory. That is the course which the Government has decided upon, based upon the information which my hon. friend was one of the most active in procuring, for the benefit of the country, by means of the North-West Committee; and I hope that that step will be satisfactory to my hon. friend, and to those who, like himself, take a great interest in this Territory, and in the people who now reside there. I trust that my hon. friend will consider that, with this assurance, he has made sufficient progress for to-day, and that he will not press the motion which he has made, which would be like endeavoring to force the hands of the Government, to drive them faster upon the course which they have deliberately decided upon than they deem expedient, and the wisdom of which I think this House will appreciate—that is to say, to obtain in a proper way, and by a careful process, the best and most ample information possible with regard to this Territory, to act upon it by determining what steps may be necessary for its protection and development, and to take those steps. So that I trust my hon. friend will consider that he has done enough, and will withdraw this resolution.

HON. MR. GIRARD—I accept, with great pleasure, the declaration made by the hon. Minister. My intention was not to go any further with the question. I felt a responsibility which I wanted to relieve myself of by calling the attention of the Government to the position of that important part of the Dominion. I have done so, and I am glad to know that the Government is disposed to give serious consideration to the matter, and, either by legislation or some other way, to adopt some of the views that I have expressed in my explanation to the House. Under the circumstances, I have no hesitation in withdrawing my motion, awaiting the action of the Government, and leaving with them the responsibility of dealing with that important matter.

HON. MR. POWER—Before the motion is withdrawn I wish to say a very few words. I am glad that the hon. gentleman has decided to withdraw his resolution, because, to adopt it, would, I think, be to commit this House to a very injudicious expression of opinion, and I was glad to see that the hon. leader of the Government realised that and asked the hon. gentleman to withdraw. At the same time, the hon. member who leads the Government here perhaps rather gave the impression that the Government do propose, at some not very distant day, to take the steps indicated in this resolution, to proceed to organize the country known as the Great Mackenzie Basin. Now, as an humble member of the House I beg to enter my protest against any such course. We have a population of about 5,000,000, not a very wealthy population, and we have at present, in the course of organization, in what are to be known now as Western Territories and Manitoba, a country capable, it is said, of maintaining without difficulty a population of 100,000,000. Under these circumstances, the absurdity of our going into the frozen regions of the Mackenzie River for the purpose of looking for more territory to organize must strike every one who looks at the matter from a business point of view. I think it is very desirable that the mines, fisheries and hunting grounds of that country should be protected as well as we can, and one of the best ways of protecting them is to keep the population out of that region. I cannot understand how the hon. gentleman from St. Boniface is alarmed about Americans getting into that country, inasmuch as from the American boundary across the Territories, which are now organized, is a distance of several hundred miles. I understand the hon. gentleman to intimate that it was possible the Americans might go around by water to the mouth of the Mackenzie River. Any one who has read the accounts of Arctic explorations must know that it is not at all probable that any fur-hunter will ever go

round Point Barrow and try to reach the mouth of the Mackenzie River for the purpose of getting furs. That is perfectly absurd, if I may be allowed to use that expression, which is hardly parliamentary. In Hudson Bay the Americans have been indulging in practices in connection with whaling which are highly objectionable, and I think the Government ought to take steps to prevent such practices, as far as they can; but it is perfectly out of the question to speak of anyone ever settling on the barren lands which lie west of Hudson Bay. It is a country that can never be settled. I think the better way for us is to keep settling up the immense country which we have already organized, and which is open for settlement, and preserve the fur-bearing animals and the fish of those northern regions as well as we can without going to any great expense. It was only the other day that I heard the hon. gentleman from St. Boniface intimating that we had already gone too fast, that it would have been wiser to take steps to thoroughly settle Manitoba before we went into what are now known as the North-West Territories. Surely, if that argument was good as between Manitoba and the present North-West Territories, it is still better as applied to the Mackenzie River Basin and those remote regions. The hon. gentleman seemed to look forward to a time when the civilization of Canada would become effete, and the hardy Northmen would come down from the Mackenzie River, and the barren lands, I presume, to save the failing civilization of this region. No doubt the Esquimaux are a very hardy race, but I hardly think we would look forward to their being the saviours of civilization, even in the remote future. I think we have quite enough country to look after now, and we had better not worry ourselves about these Polar regions. Something might be made out of the furs of that country—some revenue might possibly be derived from them, as I notice the American Government does derive a revenue from the furs of Alaska; but we do not find that the United States, with its 60,000,000 of people and a territory almost completely populated, is taking any steps to populate Alaska yet, and I do not think we need be in any hurry about the Mackenzie River country. I am very sorry to be obliged to say anything that looks like finding fault with or reflecting on the hon. gentleman from St. Boniface. His speech does great credit to his heart, and I know he is most enthusiastic on everything that affects the North-West, but I really feel that he is asking us to go too far when he proposes that we shall take the steps that his resolution indicates.

HON. MR. KAULBACH—I agree very much with what my hon. friend from Halifax says, yet I think he has belittled the resources, wealth and capabilities of the Mackenzie Basin when he calls it a frozen region. We know that that is not the case, from evidence, on most undoubted authority, brought two years ago before the committee of which I had the honor of being a member. The accounts of the resources of that country seemed to us to be almost fabulous. We did not know what a great country we possess until we heard the evidence, and I think the Government should do all they can to protect the fur-bearing animals of that region. I do not think that the Government are sending an expedition into that country with the object of organization, but simply to get information, with a view to the better protection of the people and resources of that country, but not to go further than is absolutely necessary to attain that end. At the same time, I do not agree with my hon. friend, that it is unwise for us to let the world know the great heritage we have and the vast resources at our command. We should be proud to publish far and wide the extent of our magnificent resources and the wealth and capabilities of that country, and I think my hon. friend has manifested a zeal worthy of the object he has in view, and although he may indulge in predictions which are visionary when he speaks of a time when the Northmen will be coming down to protect this country, when it shall have become to some extent effete, I agree with him that we have in the Mackenzie Basin a heritage of which we may well be proud. I am glad that the Government, on considering the evidence elicited by the Senate committee, feel themselves justified in sending an expedition to that country to ascertain what steps should be taken for its protection and the development of its resources.

HON. MR. GIRARD—I should like to say a word in reply to my hon. friend from

Halifax. Generally, we agree, and on many occasions I have heard with great satisfaction the expression of his opinions. I think he must have misunderstood my remarks on this question. I did not ask for the immediate settlement of the Mackenzie Basin; it was its protection that I advocated.

HON. MR. POWER—The hon. gentleman said that the time had come to organize, and that means to divide up the country into townships.

HON. MR. GIRARD—I stated clearly that I did not insist on the Government incurring large expense for the settlement of that region at the present time—that Manitoba and the North-West demand the immediate attention of the Government, and until they are settled no large scheme of colonization farther north should be undertaken. What I have been asking for is protection, lest some organization from the west side of the Rocky Mountains by way of the Yukon or some other river of Alaska should penetrate to the Mackenzie Basin. I know that an expedition could enter the country that way: one of our parties who started from Providence crossed the country to Alaska, and that avenue would be equally practicable for an expedition from the west to the Peace River and the Mackenzie Basin. No doubt communication by way of the Arctic Ocean and the Mackenzie River would be more difficult, but with the progress of science in these days it might become an easy matter. My object in making this motion is to direct the attention of the Government to the necessity of protecting that country against any organization which might try to take possession of it. We might sell that country, as Russia sold Alaska. The United States paid for Alaska $7,000,000, which is less than the annual revenue derived from the Territory. We could sell ours, but I would not advise the Government to part with it. I would prefer to keep it for our own people. We do not need it now, but it will be of immense value to those who are to succeed us. I hope my explanation will satisfy my hon. friend, and enable him in the future, as in the past, to agree with me on public questions.

HON. MR. ABBOTT—As my hon. friend from Halifax misunderstood the statement that I made, it is possible that others may also have misunderstood it. I stated very distinctly, and in very guarded terms, that what the Government proposed to do was to send an expedition to this Territory, to ascertain the facts—to get all the information that would be necessary for them to determine what, if anything, they ought to do. That is what the Government proposes to do. I think my hon. friend is a little hard on the Mackenzie Basin, and he is directly at issue with the evidence given before the committee, and the report of the committee to the House. I think the fact that two hon. gentlemen who take such interests in public affairs as my hon. friends from Halifax and Winnipeg differ so much from each other in their appreciation of the character of this report is sufficient proof that the Government are taking a wise course in sending up an expedition to procure and report to them all the facts as they are with regard to that Territory.

The motion was withdrawn.

THE PAN-AMERICAN CONFERENCE.

ENQUIRY.

HON. MR. POWER enquired:

Whether or not the Government have invited the Mexican, South American and Central American delegates to the Pan-American Conference at Washington to visit Canada before returning to their respective homes?

He said: I am afraid, from what I have heard recently, that this question comes almost too late. I believe some, at all events, of those delegates to the Pan-American Congress have gone home. However, it is just as well that we should know whether the Government have done their duty and asked them to come here while they were still within reach of an invitation. These delegates spent some months in Washington. During a great part of that time one of the members of the Dominion Government was in Washington, and it would have been very easy to have invited those representatives of Mexico and the Central and South American States to come and see Canada before returning to their own countries. I am afraid that, looking at the fact that they have not been able to enter into any very satisfactory agreements with respect to trade with the United States Government, there would not be very much

chance of their entering into any such arrangements with Canada. The same difficulty occurs in both cases. It was found, during the negotiations at Washington, that those people—particularly the delegates from South America—while they were Americans, were still business men, too; and when they found that, for instance, the United States Government could not agree to let wool in free, while countries in Europe did admit wool free, the representatives of the South American States did not feel called upon to pledge their countries to trade with the United States rather than with the countries that bought from them. As a matter of fact, the great bulk of the trade of all those South American countries—I cannot speak for Mexico so well—is with Europe. They sell their goods—chiefly natural products, wool, wheat, and cattle, and the products of cattle—in the countries where those articles are admitted free of duty or at very low rates, and they buy their manufactured goods where those goods can be got cheapest. But while that may be true, I think that possibly there might be some room for trade between us, or an improvement in the trade relations between Canada and those countries. Mr. Simeon Jones, who went out on behalf of the Canadian Government some years ago, made a report which is a very well written one, and, on on the whole, I think a fairly reasonable report, although he looks at things through a somewhat hopeful medium. He thought there was room for a very considerable increase in the lumber business between Canada aud those countries. He thought, too, that those South American countries, and particularly Brazil, were beginning to consume coal in considerable quantities, and that the Lower Provinces ought to be able to ship a good deal of coal to South America. He also thought that there was room for a considerable export of cheese from this country. Now, Canada has got to be a country which I believe makes the best cheese in the world, and I do not know whether these people in South America are very particular as to the quality, but if they are, then they ought to be good customers for our cheese. As to certain other articles, Mr. Jones thought there might be something done, but he did not feel very hopeful. For instance, in the item of agricultural implements he thought we might do something with them, but the fact that in the United States those implements are manufactured at least as cheaply as they are here, and as the means of transport between the United States and the southern countries are better than these between Canada and the same countries, I do not think there is very much chance for us to compete in the matter of agricultural implements. Then Mr. Jones found that the cotton goods which we manufactured were of too heavy a character for that market. Still, as I understand that some enterprising gentlemen have started a factory in Quebec for the purpose of manufacturing goods expressly for the Chinesee market, I know of no reason why they should not be able to ship from Quebec some cotton goods to South America. It is true they are liable to be met there with cheaper goods of the same class from England: still, we might be able to get over that in time. Mr. Jones thought also that there was a market for woollen goods in South America, and possibly if the Government could be induced to take the duty off wool we might be able to take their wool and send it back to them in the shape of woollen goods. One of the great difficulties in the way of trade between us and South America is, in addition to the fact that our goods are rather dearer than they might be, that we would not buy enough goods from those South American countries to furnish return cargoes; but inasmuch as the Government are subsidizing largely a line of steamers, and as the subsidy has to be paid whether the steamers have return cargoes or not, just now the objection would not be so great. Apart altogether from the trade view of the matter, looking at it from a higher standpoint, I think as we have got all those distinguished representatives of Central and South America as near to us as Washington, and as they had been taken over the United States and shown all the greatness of that country, whose people profess to think it is in every way the greatest in the world, I think it is a great pity that these same gentlemen should not have been brought to Canada, to show them that we have a country which will compare very favorably with the country to the south of us. We have mountains, I think, nearly as high as any in the United States; we have prairies as extensive, lakes as large, and rivers that

would remind them perhaps not so much of the Mississippi as of the La Plata. Notwithstanding our population is so small, and we are comparatively a poor and young country, we have a railway which is quite as good and a great deal longer than any railway in the United States. We have in the Maritime Provinces a great many things that would naturally interest these people. In Quebec, and here at Ottawa, there are vast quantities of lumber, and possibly these gentlemen, if they had come here, might have seen their way to doing something towards assisting to open up a trade in lumber with their native countries. In the lower Provinces they would perhaps have seen opportunities to do something towards improving the trade in fish and coal between those Provinces and their own countries. I think that as the expense would have been small, and as their coming here would have avoided the necessity of sending, within a reasonable time at least, delegations to the countries from which they come, it would have been money very well spent, and only a very judicious as well as a courteous act to have invited these gentlemen to come to Canada before returning to their homes. I trust that the Government, with the thoughtfulness of the reputation and public interests of the country for which they are so remarkable, have not omitted to issue these invitations.

HON. MR. KAULBACH—I quite agree with my hon. friend that it would have been courteous for the Government to extend an invitation to those delegates from the South American countries, but as my hon. friend says, it might not have had a very beneficial effect in extending the trade of the country. I am glad that my hon. friend on this occasion has not, as he has done on former occasions, spoken disparagingly of the resources of Canada, as far as trade with other countries is concerned.

HON. MR. POWER—I have never spoken disparagingly of Canada.

HON. MR. KAULBACH—On many occasions I have been obliged to bring him to book for speaking disparagingly of Canada. I am glad that my hon. friend thinks there are many resources in Canada which these distinguished gentlemen from the south would be interested in seeing. If they had come to Canada they would have returned to their homes with a better idea of the Dominion than generally prevails abroad, and it might have tended to increase the little trade that we have with South American ports. In Nova Scotia we have some trade with Brazil, and the ventures that we have made in lumber and fish have, on the whole, been successful. I hope that our trade with South America and the West Indies will be extended, and there will be reciprocity in trade between those countries and Canada, notwithstanding the tariff which my hon. friend thinks is such a barrier to commerce.

HON. MR. ABBOTT—In answer to my hon. friend from Halifax, I have to say that the Government did not take the same view of its duty that my hon. friend does, and taking all the circumstances into consideration, the Government did not deem it expedient to extend any invitation to delegates to visit this country. I am sure the House will perceive that the reasons why they did not think it their duty to do so are not exactly subjects that we could well discuss here, but I rather think that the great majority of the members of this House will thoroughly appreciate those reasons without their being stated. With regard to wool, the wool produced in those southern countries is admitted free. It is only on the coarse wools, such as are grown in Canada—the combing wools—that any duty is imposed.

ST. VINCENT DE PAUL PENITENTIARY.

ENQUIRY.

HON. MR. BELLEROSE—Before the Orders of the Day are called, I should like to know from the leader of the House if he is prepared to give an answer to the question that I put the other day?

HON. MR. ABBOTT—I enquired into the possibility of procuring for my hon. friend the evidence which was taken by the hon. Minister of Justice and the hon. Secretary of State, and I find that it is impossible to do it. The subject was gone into by my hon. friend the Minister of Justice in the other House last Session, upon an enquiry by the leader of the Opposition, and the facts were stated in detail, and are to be found in the Common's

Hansard. The fact is, in short, that the stenographer who was employed to take down the evidence in French has refused, and still refuses, to furnish a copy of that evidence to the Government, and they have never had it and cannot get it. They have no means of compelling him to furnish it. It is not a question of money; he will not accept the money and do it—he simply refuses. I understand there is some political reason for this refusal which it is not necessary for me to go into now, but such is the fact—he positively refuses to furnish the Government with the evidence in French which he took down in shorthand writing. The English evidence forms only a short portion of the evidence taken, and that can be brought down if my hon. friend wants it; but it would be imperfect without the French evidence, and the French evidence it is impossible to get.

HON. MR. DEBOUCHERVILLE—Will my hon. friend give the name of the reporter?

HON. MR. ABBOTT—He is a member of the Local Legislature, I believe.

HON. MR. BELLEROSE—The name appears in this motion of which I give notice now:

What amount has been paid to O. G. Bourbonnais, Esq., at various times, in his capacity as stenographer, for the two days during which he accompanied, in that capacity, the Honorable the Minister of Justice and the Honorable the Secretary of State to the Penitentiary of St. Vincent de Paul, on the 10th and 11th of December, 1886?

HON. MR. ABBOTT—I suppose my hon. friend is aware of the facts since he puts the question. I understand that the shorthand writer refuses to take any payment—that he has been offered it repeatedly—has been asked to furnish a transcript of his notes, and that he refuses. I think the reason that is supposed to actuate him is something about the validity of his seat or something of that description. However, my hon. friend can put his question, and I will be able to give him a positive answer.

HON. MR. BELLEROSE—I said last year that the evidence would not be brought down, because the enquiry never took place.

HON. MR. ABBOTT—Oh, yes; the enquiry took place.

HON. MR. BELLEROSE—Give me a committee and I will prove that it did not.

BILLS INTRODUCED.

Bill (DD) "An Act to amend the Pilotage Act, Chapter 80 of the Revised Statutes." (Mr. Abbott.)

Bill (135) "An Act to amend the Seamen's Act, Chapter 74 of the Revised Statutes." (Mr. Abbott.)

SAVINGS BANKS IN QUEBEC BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (CC) "An Act respecting certain Savings Banks in the Province of Quebec." He said: This Bill is simply to continue the charters of two savings banks in the Province of Quebec. It is just a continuation of the charters for ten years, with one or two very trifling alterations.

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

GAS INSPECTION ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (137) "An Act to amend 'The Gas Inspection Act,' Cap. 101 of the Revised Statutes." He said: The main object of this Bill is to make a further provision with regard to the purity of gas. Under the law as it stands, measures are taken to prevent the admixture of sulphuretted hydrogen with gas. That gas is poisonous. The law now sufficiently provides against that, but there is not a sufficient provision in the Act at present for the prevention of the presence in gas of ammonia and sulphur. The object of this Bill is mainly to make better provision for the exclusion of these gases from gas.

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

The Senate adjourned at 4:40 p. m.

THE SENATE.

Ottawa, Wednesday, May 7th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THE PROTECTION OF WOMEN AND CHILDREN.

PETITION PRESENTED.

HON. MR. MURPHY presented a petition from the Society for the Protection of Women and Children. He said: This petition has been sent to me with the request that if possible it should appear in the Senate *Debates*.

HON. MR. ROBITAILLE—If you put it in the Bill they will be better satisfied.

HON. MR. MURPHY—I do not say anything for or against the petition; I do not know anything about it.

The petition was received and read, as follows:—

"*To the Honorable the Commons of Canada in Parliament assembled*:

"The petition of the Society for the Protection of Women and Children, sheweth:

"That your petitioners have viewed with much gratification the introduction to your honorable House of a measure for the better protection of women and girls; but

"Your petitioners deeply regret to note that for minor girls, who are without expectations and without guardians, protection against actual defilement is made to cease at *fourteen* years by section 12 of the new Bill.

"Your petitioners represent—

"That under section 42 of the present law the mere taking away of a rich girl with intent is a felony up to the full age of *twenty-one* years;

"That under section 44 the mere taking of a guarded girl, even without intent, is punishable up to the age of *sixteen* years; and that girls who are poor and friendless require greater protection than those who are rich or guarded—and not less, as is here given.

"Your petitioners also represent that in many other countries the age of consent for minor girls has in recent times been advanced to not less than *sixteen* years; *e.g.*—the law of the United States, with its penal consequences of 15 years imprisonment for a first offence and 30 years for a subsequent offence; the law of the State of New York, with its maximum punishment of 20 years imprisonment;—and the somewhat similar enactments of Pennsylvania and New Jersey; the law of the State of Kansas, where the age is *eighteen* and the punishment 10 years imprisonment; the laws of Europe generally, of which the Committee of the House of Lords reported in 1882 thus—"(8) In other countries, female chastity is more or less protected by law up to the age of *twenty-one*. No such protection is given in England to girls above the age of thirteen;" and lastly—the law of Great Britain, where the age is *sixteen* years, and the punishment two years imprisonment.

"Your petitioners also represent that the mother country and foreign countries are negotiating extradition treaties, similar to that with the Republic of Colombia promulgated in recent issues of the Canada *Gazette*, one clause of which provides that—

"'Extradition shall be reciprocally granted for the following crimes * * * 5. Unlawful carnal knowledge, or any attempt to have unlawful carnal knowledge, of a girl under sixteen years of age, if the evidence produced justifies committal for these crimes according to the laws of both the contracting parties;'

"Unless, therefore, Canada assimilates her legislation to that of Britain and Colombia, she will require either to refuse fulfilment of the honorable obligations of the Empire, or else to extradite as criminals persons who have committed no offence according to her laws.

"Your petitioners also deeply regret that under section 3 no higher age for unlawful harboring in a brothel has been accorded than the present utterly inadequate age of *sixteen* years; and they represent—

"That the age in Massachusetts is *twenty-one* years, with a penal consequence of five years imprisonment and a fine of $1,000;

"That the article in the Penal Code of France bearing on the subject is..

"'234. Quiconque aura attente aux mœurs, en excitant, favorisant, ou facilitant habituellement la débauche ou la corruption de la jeunesse de l'un ou de l'autre sexe au-dessous de l'âge de *vingt-et-un ans*, et d'une amende de cinquante francs a cinq cents francs.

"'Si la prostitution ou la corruption a été excitée, favorisée, ou facilitée par leur pères, mères, tuteurs, ou autres personnes chargées de leur surveillance, la peine sera de deux à cinq ans d'emprisonnement, et de trois cents francs à mille francs d'amende;'

"And that the adequate protection of minor girls, more especially those who are immigrants, is here impossible without similar laws.

"WHEREFORE your petitioners implore your honorable House—

"(1) To amend clause 12 (sec. 40) so as to make the age of consent at least *sixteen* years, and

"(2) To amend clause 3 so as to make the age of unlawful harboring in a brothel *twenty-one* years;

"And your petitioners, as in duty bound, will ever pray:

"On behalf of the Society,

"S. CARSLAY,
"*President*,
"D. A. WATT,
"*Chairman, &c.*

"MONTREAL, 3rd May, 1890."

TAX ON TONNAGE AT QUEBEC.

ENQUIRY.

HON. MR. DRUMMOND enquired,—

Is the Goverment aware of the existence of any precedent, either in Europe or America, for the levy of a tax on tonnage alone for the support of a harbor police force, such as is levied at the port of Quebec, and there amounting to 6 cents per ton per annum?

Is the Government aware that the levy of this tax at the single port of Quebec has caused the United States to levy a tonnage tax of 15 cents per ton

per annum by way of reprisals on all vessels clearing from ports in the Province of Quebec; while vessels that have cleared from Ontario ports, in which Province there is no analogous Dominion tax, go free?

Is the Government aware that by virtue of the Act of Congress of 19th June, 1886, section 11, provision is made that as soon as this taxation ceases in the port of Quebec, the countervailing taxation now levied in the United States on tonnage from the Province of Quebec will also cease?

What steps does the Government purpose taking in the premises to the end that the tonnage of the Province of Quebec, trading with the United States, may be there placed on the same favorable footing as tonnage from the Province of Ontario?

HON. MR. ABBOTT—In answer to my hon. friend, I would say, with regard to the first question, that the Government have not looked for any precedents. They are not aware of any, and have made no search for any. With regard to the second question, the Government are aware that a tonnage tax is levied in the United States on all vessels clearing from the ports of Quebec, where a tonnage tax is levied upon them, while vessels that have cleared from Ontario ports, where there is no tonnage tax, go free. With regard to the third question: the Government are aware that as soon as the tax in question, which is not merely a tonnage tax for the support of the harbor police force, but which is a tax, one-half for the support of the harbor police force and one-half for the support of the marine hospital and sick seamen's fund—that as soon as those taxes cease to be levied the taxes now levied in the United States on vessels from Quebec will cease also. Then, with regard to the last question, the Government have been for some time past considering the question, with the view, if possible, of getting rid of this tonnage tax in Quebec, and have already largely reduced the water police force in Quebec—that the question of abolishing the dues is under consideration.

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

COMMONS AMENDMENTS CONSIDERED.

The Order of the Day being called, "Consideration of amendments made by the House of Commons to the amendments made by the Senate to Bill (6) "An Act relating to Bills of Exchange, Cheques and Promissory Notes."

HON. MR. ABBOTT said: The amendment which the House of Commons made to the Bill is an amendment to the 24th clause. This clause gave rise to a great deal of discussion in another place, the Bill first introduced providing that banks should not be responsible for the payment made upon a cheque on a forged endorsement. That was struck out in the Lower House and the banks were left responsible, as they were under the ordinary law of the country, for the payment of a cheque on which there was a forged endorsement. Now, this House considered that the time under which the banks would be subject to that liability was too long—it was too much to compel them to remain under such a liability for six years, during which time they probably would have lost all possibility of tracing the forgery; and we fixed one year from the date on which the drawer of the cheque should receive notice of the payment of it by the delivery to him of any book, statement of account, cheques or otherwise during which the liability of the banks will continue. That was our amendment. When this Bill reached the House of Commons it was thought that was too long a period for the notice to run—that is to say, that the notice ought to be given to the bank in a shorter period than a year — and they thought it was too favorable to the bank to allow the delivery of the book or cheque, or statement of account, to be a notice; and therefore they altered it in this way, that the notice must be given by the drawer within one month after he has "acquired notice of the forgery." It seems difficult to ascertain how he could receive notice of the forgery, because in point of fact no one else is supposed to know about the forgery: he finds it out himself. If it is found out at all it must be he who discovers it, in all probability. Therefore, it does not appear to me to be an accurate way of describing the notice he should receive. But I also think, if the cheques are handed back to the drawer, that a court would probably hold that the giving back of the cheque with the forgery endorsed on it, would be constructive notice, and would probably hold that he must give notice to the bank within one month after he receives back his cheques. That is a very short time inded; and moreover it must be remembered that this affects the party for whom the cheque was intended as well as the drawer. Therefore, the time is altogether too short.

HON. MR. SCOTT — Altogether. The man might be away in Europe.

HON. MR. ABBOTT—I have had some conversation with some gentlemen who moved the amendment in the Lower House and supported it, and with my hon. colleague, the Minister of Justice, who took part in the debate; and I find that if we were to substitute the same period in their amendment which we put in our own amendment—that is, a year—it would probably be accepted, and it seems to me that the best way of remedying the difficulty is just to substitute a year for a month; the effect of which would be to restore the Bill to pretty much the form in which it left this House. I move that the amendment be not now concurred in, but that it be further amended by inserting the word "year" instead of "month" in the amendment.

HON. MR. DRUMMOND—I think, in view of that amendment, the cheques should be returned frequently. It is not the practice of men in business to require their cheques to be returned to them oftener than once a year.

HON. MR. OGILVIE—The forgery would be noticed in the bank book.

HON. MR. DRUMMOND—Some people do not get their bank books back very often.

HON. MR. ABBOTT—If the banks wish to relieve themselves of the responsibility they can send back the cheques.

HON. MR. DRUMMOND—The suggestion that I was about to make was, that they should send back the cheques, say at the end of every month.

The motion was agreed to.

HON. MR. ABBOTT moved:

That the said Bill be returned to the House of Commons, by one of the Masters in Chancery, together with a Message to acquaint that House that the Senate does not concur in the amendment made by the House of Commons to the amendments made by the Senate to the said Bill, for the following reason:—

Because the limitation of the right of action by the drawer against the drawee provided for by the amendment of the House of Commons to the amendments made by the Senate to clause 24 of the said Bill, to the period of one month after the drawer has acquired notice of such forgery, is too short for the proper protection of his rights and of the rights and interests of of other parties who may be affected by such limitation; and further to acquaint that House that, for the said reason, the Senate hath amended the said amendment made by the House of Commons, by substituting therein the word "year" for the word "month," to which amendment the Senate doth desire the concurrence of that House.

The motion was agreed to.

INDIAN ACT AMENDMENT BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (BB) "An Act further to amend the Indian Act." He said: The only point that was left for discussion when this Bill passed through the Committee of the Whole House was whether we should persevere in the provision against missionaries trading. I have discussed that question with my colleagues and have learned a good deal on the subject which I did not know on the former occasion and I am sorry to say that they are all agreed against accepting the proposition of my hon. friend from British Columbia, that missionaries should be allowed to trade under any circumstances whatever. They think that the fact that missionaries have been in the habit of trading, and more especially in some places in British Columbia, has been the cause of a great deal of trouble and disturbance, and that it has had a decidedly deleterious effect there. That is the only place where they have traded to any extent, and we are indisposed to relax the rule that missionaries and persons in holy orders shall abstain from trading with the Indians.

HON. MR. MACDONALD (B. C.)—The best missionary they ever had in British Columbia was Mr. Duncan, and he found it an absolute necessity to supply the Indians; otherwise, they would have been obliged to go abroad for supplies, and thus would get into bad habits. No trader was allowed on the reserve, and therefore it was absolutely necessary, if the Indians were to be kept on the reserve, that they should be able to get supplies there. Mr. Duncan has left the country, but there are

other missionaries who require to have this privilege. There is the Bishop of Caledonia, at Metlakathla. He is obliged to keep supplies for the Indians. If they cannot get them on the reserve they will run off every time they want a yard of cotton, or a pound of food, and get demoralized. This trading privilege is for the purpose benefiting the Indians, of keeping them on the reserves. There are several places, like the Queen Charlotte Islands, where steamers go only once a month. I daresay the information the hon. gentleman had was altogether about Mr. Duncan, because he had a quarrel with the Government, and he was the most successful missionary that we ever had in our country. All the profits he derived from the trade were spent in purchasing medicine, erecting buildings, establishing industries and generally improving the condition of the Indians. He built a saw-mill, established a canning factory and other industries to teach the Indians habits of industry. If the Government wish to deprive the Indians of the benefit of that, I have nothing more to say; I merely point out the facts.

HON. MR. ABBOTT—I need not tell my hon. friend that there is a great difference of opinion as to Mr. Duncan's merits and the advantage to the country of Mr. Duncan's work, but I do not propose to enter into that now. I do not know anything about it myself; my hon. friend does. Mr. Duncan was no doubt a man of very great force of character, because he had as strong friends as he had bitter enemies—men who praised his work as strongly as others depreciated it. It seems to me that the statement of my hon. friend as to what Mr. Duncan did is sufficient to justify the prohibition in this Bill. It seems inconsistent with the idea of a clergyman that he should have saw-mills and stores and carry on the trade of building houses, and doing all these things that my hon. friend spoke of. These are functions which really seem to me to bolong to an entirely different class of people from the ministers of any church.

HON. MR. MACDONALD (B.C.)—The Government are now walking in Mr. Duncan's footsteps. They are now establishing industrial schools, as Mr. Duncan recommended them to do. He did this to teach the Indians how to earn their living. The Indians are taught to pray for their daily bread; they should also be taught how to earn it. Mr. Duncan taught them blacksmithing, carpentering and other useful pursuits. Mr. Duncan came to Ottawa here and had an interview with a high functionary who had never seen him before. After Mr. Duncan had stated his policy for the Indians he was told that he was a dictator. Mr. Duncan said: "If you think I am not doing my duty to the Indians, I am prepared to go. Say the word, and I will leave the country and never return again." This high functionary said: "No; you are just the man we want. You must not go; we will make you an Indian Agent in British Columbia," but it never went beyond that. It just shows what kind of a man Mr. Duncan is. I think it will be a great mistake if this trading privilege is taken away from the Indians and the missionaries.

HON. MR. OGILVIE—I do not know what the effect of the privilege may be in British Columbia, but I know something about it in the North-West Territories. I know that four years ago it excited a great deal of very hard feeling there. Several missionaries who had been blamed for trading said they were perfectly innocent of the charge. It went so far that, to my personal knowledge, two of the missionaries in the North-West Territories were blamed for selling goods that had been sent out from England as donations for the poor Indians. Two of these missionaries told me that they would be very glad indeed if all the missionaries were prevented from trading at all, for then they would not be blamed when they were innocent of wrong-doing. I heard a good deal of what was said about the subject there, and many persons expressed the opinion that the missionaries were not so innocent as they professed to be. While Mr. Duncan deserves credit for his exertions on behalf of the Indians, I think if he can run a large business, like a saw-mill and the other industries mentioned, he had better attend to it, and let somebody else attend to the missionary business. So far as the North-West Territories are concerned, the trading privilege has proved an injury rather than a benefit to the country.

HON. MR. McINNES (B.C.)—I am very sorry indeed that I have to differ from my

hon. friend from Victoria. I expressed my views pretty plainly the other day when the Bill was before the House. I consider it is in the interest of all parties, especially the Indians, that this Bill should pass in its present form. I have considered the matter since I last spoke, and I have not had any occasion to alter my opinion. All that my hon. friend has stated about Mr. Duncan is strictly correct. He was possibly one of the best missionaries that ever visited the Pacific coast. Some thirty years ago he went in amongst those savages, when they were as wild as the wild animals that roamed in that section of British Columbia, and he civilized them and established a number of very important industries — saw mills, canneries, manufacturing woollen cloths, etc.; but that day has gone by, and a different condition of affairs prevails to-day. Thirty years ago Alaska belonged to Russia, but for over twenty years it has been a part of the great Republic and has made vast strides. A large population has gone in there, and not only are the Indians in the northern portion of British Columbia pretty well civilized now, but the natives of Alaska are also civilized. Another fact to which I would draw the attention of the House is this: Mr. Duncan was not a clergyman. He was sent out by some society in England, and he acted as a missionnary very successfully indeed. The mistake that Mr. Duncan made was, that after he civilized these Indians and made them amenable to the laws of the land, he did not retire and place the missionary work under the charge of some recognized denomination. That the present bishop, to whom the hon. gentleman has referred, should be allowed to continue trading with the Indians is, I think, contrary to the work that he is supposed to perform among them. As I mentioned the other day, that gentleman has been the means of creating a great deal of discord and trouble in that portion of our Territories.

HON. MR. MACDONALD (B.C.)—Who has done that ?

HON. MR. McINNES (B.C.)—The present bishop—Ridley, I think, is his name. He brought the Indians to the verge of rebellion some years ago—to such an extent, anyway, that the Local Government had to send up a force there and keep them at the reserve for some length of time. I am not as well acquainted with that portion of the Province as my hon. friend is, but I know that the view that I hold with respect to the southern portion of the Province is strictly correct, and I am much surprised to hear that the Indians in any part of British Columbia cannot be supplied by traders, but must depend upon the missionaries to supply their wants.

HON. MR. MACDONALD (B.C.)—Will the hon. gentleman tell me how it can benefit the Indians not to allow this to be done ?

HON. MR. McINNES (B.C.)—If there is a sufficient population of Indians there to warrant the establishment of saw-mills, canning factories and other industries, we have enough commercial enterprise in British Columbia to do a legitimate trading business with them.

HON. MR. MACDONALD (B.C.)—Traders cannot go on the reserves, to begin with.

HON. MR. McINNES (B.C.)—They can settle on the very border of a reserve.

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

FRANCHISE ACT AMENDMENT BILL

THIRD READING.

The Order of the Day being called, "Third reading Bill (136) 'An Act further to amend th Revised Statutes, Chap. 5, respecting the Electoral Franchise.'"

HON. MR. ABBOTT moved that the Bill be not now read the third time, but that it be referred back to a Committee of the Whole House, for the purpose of amending the same.

The motion was agree to.

(In the Committee.)

HON. MR. ABBOTT said: The first amendment which I intend to propose to the committee is to clause 6. The language of sub-section 4, which is substituted in the Bill for the one which is repealed, is not accurate. The substance is

not altered, but it does not convey properly the intention of the Bill. The defect was alluded to in the other House, at the last moment, by an hon. gentleman from Prince Edward Island, and it became evident that the amendment was necessary, and it has been carefully drawn, embodying the intention of the clause. I move:

Page 4, line 42.—After "district" insert "that the name or qualification of the person whose name is objected to is incorrectly entered on such list, but that he possesses such qualification as entitles him to be registered thereon, the revising officer shall retain such person's name thereon, making the necessary corrections, or if it appears."

HON. MR. HAYTHORNE—I am not quite sure whether that is intended to meet certain cases which arose in Prince Edward Island in this way: a number of voters were duly qualified by property and residence, but on quarter day, or midsummer day, they changed their residences, and the consequence was that they were incorrectly described on the register and lost their votes. They appealed to the Superior Court and the court decided against the voters and in favor of the interpretation of the revising officer. It was obviously a misapprehension of the original Act, because these men were qualified in one place as well as in the other: they had merely changed their residence during the period when the lists were in course of revision. I hope that this amendment will have the effect of making those cases quite clear, and leave no doubt on them whatever.

HON. MR. ABBOTT—I think it is quite clear that the case mentioned by my hon. freind is met by this amendment.

HON. MR. HAYTHORNE—These men do not know, until the time very nearly arrives, whether they will be in their old residences, or in the new.

The motion was agreed to.

HON. MR. ABBOTT—We made an amendment to the 7th clause, providing for sub-divisions by the revising officer of any polling district containing more voters than the law allows. It appears that there are in British Columbia one or two polling places—one especially—where I think there are 1,600 votes, where if an election should occur before the lists are revised there would be considerable difficulty in holding a legal election, and it is thought best to give to the returning officer the power of sub-dividing such a district and dividing it into the divisions specified in the Franchise Act. That will only apply to the lists which are now in force up to the time of their next revision. I move that the following amendment be made at the end of clause 7:—

Page 3, line 37.—After "person" insert the following as sub-section 7:—

"7. But no lists now in force shall be deemed illegal on account of any polling district therein described containing a larger number of names of voters than is permitted by 'The Electoral Franchise Act,' and in the case of an election taking place before the next revision of such lists, a subdivision of such polling district may be made in due time for such election by the revising officer for the electoral division where such polling district is situated."

The motion was agreed to.

HON. MR. ABBOTT—My hon. friend from Halifax called attention, when the Bill was before the Committee of the Whole House, to a clause which he thought already existed in the Act. I differed from my hon. friend at the moment, because I was aware that, as far as the Revised Statutes are concerned, that clause to which he referred had been repealed, but on verifying the section with him to-day I perceive that while the section was repealed as it exists in the Revised Statutes, it was reproduced in an Act of last Session, and therefore the insertion of that clause is unnecessary. I therefore move that the amendment, which purports to be a reproduction of clause 16, be struck out.

The motion was agreed to.

HON. MR. DICKEY—Has my hon. friend decided what shall be done about the alteration of the expression "North-West Territories" to "Western Territories?"

HON. MR. ABBOTT—If the alteration is made it will have to be in the Bill respecting the North-West Territories of Canada. It is proposed, if the alteration is concurred in by the other House, to insert a clause in that Bill which will cover all the legislation relating to the North-West Territories, and therefore the expression "North-West Territories" must remain

in this Bill. I move that "Western" be struck out and "North-West" be substituted.

The motion was agreed to.

HON. MR. DICKEY—This Bill should not pass from the committee without a word being said as to the proceedings in this House upon it. We have already made some eight or nine amendments in this Bill—a Bill which peculiarly affects the other House, and which we had every reason to suppose would come to us in such a form that, except in some vital matter, we should not require to make any amendments at all. I mention this in confirmation of the ground which was taken the other day in another debate in reference to the labor and the pains and attention bestowed upon Bills in this House which come from the other Chamber, and the remark is perhaps excusable on the present occasion, because we are dealing with a Bill which belongs almost exclusively—at all events, to a large extent—to the other Chamber, and particularly affects them. I think it is a very strong confirmation of the ground which was taken on a former occasion, and redounds greatly to the credit of this House.

HON. MR. DEBOUCHERVILLE, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time, as amended, and passed.

THE COMBINES BILL.

REJECTED.

The Order of the Day being called,—

"Consideration of the report of the Select Committee on Banking and Commerce on (Bill 77) 'An Act to amend the Act for the prevention and Suppression of Combinations formed in restraint of Trade.'"

HON. MR. VIDAL—The report which I am about to ask the concurrence of the House is in the following words :—

"The Select Committee on Banking and Commerce, to whom was referred the Bill from the House of Commons intituled : 'An Act to amend the Act for the prevention and suppression of Combinations formed in restraint of Trade,' have, in obedience to the order of reference of Monday, the twenty-eighth of April last, examined the said Bill, and now beg leave to report thereon, as follows :—

"Your committee have carefully examined and considered the said Bill, and have heard, from parties interested for and against the Bill, representations as to the purpose and effect thereof. It has not, in the opinion of your committee, been proved that any difficulty exists in enforcing the provisions of the existing law, nor that any injustice has resulted, or is likely to result, from the operation of those sections of the Act 52 Victoria, chapter 41, which are sought to be amended by the Bill."

In order to give some explanation of the action of the committee it may be necessary that I should remind the House that the Act which is proposed to be amended by the one which has been under consideration by the committee was passed last year. It came from the House of Commons to this Chamber, and in this Chamber the words which are now sought to be removed by the proposed legislation were inserted after very careful and lengthy deliberation—the words "unduly and unreasonably." In the ordinary mode of proceeding with measures of this nature, it is customary to refer such a Bill to a Committee of the Whole House, being a public measure, but the House showing its desire to afford every opportunity to parties interested in the Bill to state their case, sent it to the Committee on Banking and Commerce, where ample opportunity was afforded to the advocates of the Bill and those who were opposed to it to present their views for or against its adoption. A large number of persons availed themselves of the opportunity, and the matter was very thoroughly discussed before the committee at its two sittings. In this way the House has shown its earnest desire to meet any reasonable views that might be presented to guide it in legislation of this character. It has not stood upon its dignity and said: "Last year we put into the Bill words that we deemed necessary, and we see no reason why we should change it." No statement, much less proof, was made in the committee of any evil result having followed upon the introduction of these words. It was not shewn to the committee that in any single case they had rendered the law inoperative or in any way thwarted its effect on the evils which the Legislature desired it to remove. It is quite true that in urging their case the advocates of the Bill stated that certain legal gentlemen had said it was no use to take

a case into court under this law, with these words in it; but no name was mentioned of any lawyer that we might be guided by his eminence in his profession or his ability as a legal man. No written opinion was presented to the committee; there was nothing presented to them but the bare statement that some lawyers had held that the words "unduly and unreasonably" had rendered the Act inoperative. It happens that in this House there are lawyers of considerable legal eminence, and these hon. gentlemen, far from considering that these words had vitiated the law in any way, felt that it was absolutely necessary to have them there, otherwise it might prevent combinations which would be made in the interests of the public instead of being adverse to them. Consequently this necessary precaution of saying that they were not to be undue or unreasonable was put in. I am not going to detain the House by entering into any argument as to the course which should be pursued with regard to this report. The committee have presented their views. The first clause of the Bill, which relates to the taking out of these two words, was almost alone discussed before the committee. A vote of 16 to 3, if my memory serves me right, upon that question decided whether these words should be expunged or not—that is to say, whether the Bill as presented to us for consideration should be passed. It certainly indicates a large amount of unanimity amongst the members of the committee on that question. With reference to the second clause, very little was said. The second clause of the Bill is to the following effect:

"5. The foregoing provisions of this Act shall not apply to the exercise of any handicraft or to the performance of labor, and subject to such exception they shall be construed as if section twenty-two of '*The Trade Unions Act*' had not been enacted."

HON. MR. SCOTT—Your report does not touch that at all.

HON. MR. VIDAL—Yes; the report touches both clauses. In the Act which it seeks to amend, that was passed last year, we have this clause—the one which the proposed Bill would strike out:

"The foregoing provisions of this Act shall be construed as if section twenty-two of the Trade Union Act had not been enacted."

I do not myself see much difference between the clause which this proposes to strike out and the one proposed to be substituted in its place. To my mind they do not seem to differ at all in their effect. The original clause, clause 22 of the Trade Unions Act, which was repealed last year, and which, by the proposed section it is proposed still to keep repealed, is in these words:

"The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise, or so as to render void or voidable any agreement or trust."

No argument was adduced before the committee in support of this, and when the motion was made to strike out the clause it was carried without any discussion, to the best of my recollection; consequently, the report was drawn up recommending that the Bill be not further proceeded with.

HON. MR. READ (Quinté)—Before this report is adopted I would like to say a few words. There was no discussion upon this Bill in this House at its second reading. It was sent to the committee where it was supposed it would be thoroughly looked into; that is the reason why no discussion took place on it in this House. It is within the knowledge of hon. gentlemen that this Bill was passed by the other House last year, and we amended it here.

This Bill, to repeal our amendment of last year, was introduced in the House of Commons this Session, where it was passed unanimously, as they considered it in the people's interest. Such being the case, I think it is our duty to look into this matter and see if that amendment is in the people's interest or if it is in the interest of a few. I shall try with my humble ability too show that it is in the interest of a few and not in the interest of many. I can see in this Bill that the National Policy is on its trial. Either we have to defeat these combines or the National Policy is not a success. I say that we should show that combines should not exist, and we should make it so that they cannot exist, in order that the National Policy shall be a success. What did I say, as far as I could say, some years ago, in this House, in asking for the adoption of a National Policy? I said that the National Policy would create industries in our midst, and in the creation of these industries competition would arise that would benefit the country. I did not at all think that combinations would arise under the National Policy, and that the public

at large would suffer from them, because I could not conceive that such combinations should exist, fraught with such danger to this country and to the people as I know do exist at the present time. I see no reason why a few ringsters should say to the whole of the country: "We will toll everything you use, and we shall put the money in our pockets." The country will say: "No, gentlemen, you cannot do that." By wise legislation they will say it, because it is by legislation we formed these combines and by legislation we can abolish them. I am sorry to say that in some instances combines have been brought about by the legislation of this country, but by legislation they can be removed. The people at large are interested, and the fact that not one member of the House of Commons rose in his place to oppose the repeal of our amendment shows that the people are in earnest. It passed the House of Commons unanimously, showing that the people knowing their own interests are looking after them, and at the polls they will look after them, if we refuse to give them the justice they are seeking for at our hands.

Now, I will take up what I consider to be one of the combinations that materially interests the people at large. The chairman told us that sometimes combinations were in the interests of the public. I will prove to him that they are in the interests of the few. Take the sugar industry. Our sugar refiners have the privilege in this country of saying to whom they shall or shall not sell. And why? Because the people cannot buy any place else.

HON. MR. SCOTT—The National Policy again.

HON. MR. READ—The National Policy; I freely admit it. We have given them that opportunity and they have been recreant to their trust. They have combined with others to do acts which, while they may call them reasonable from their own point of view, take an unreasonable amount of money from the public and put it in their own pockets. It may seem only a small amount on each pound of sugar, but when you come to estimate the quantity consumed you find that it comes to a very large amount. What are the refiners combined to do? They are combined to say: "We will sell only to certain parties, and they shall be wholesale dealers who belong to the combine. If you do not belong to the combine you must pay us a certain amount more." I heard a gentlemen giving his evidence before the committee that was appointed to enquire into this question of combines two years ago, and there were many others present who were much interested in this legislation; gentlemen came from Toronto and Montreal in large numbers to attend this committee. Now, why do wholesale men leave their business and come here before a committee to protest against anti-combine legislation if they are not vitally interested? One gentleman, who would not go into the combine, stated that it cost him 80 cents per barrel more for sugar than it did the members of the combine, and those other gentlemen did not deny it, although there were many members of the combine present. No one attempted to deny it. This man had said: "I will not join your unholy alliance; I will not be squeezed; I will suffer first," and he did suffer, by having to pay 80 cents a barrel more for his sugar than members of the combine. I heard the evidence given myself, and I will read some of it to the House presently. If these are facts—if even one man is unduly oppressed by such a combination it is the duty of Parliament to prevent it. When the masses are forced to put their hands in their pockets and contribute to the coffers of such a combination I think it is the duty of Parliament to step in and redress the grievance. We find people, who cannot afford it, leaving their business and coming here from Toronto and other places to protest against the emasculation of this Bill. It may be said that the Bill has no effect upon their business, that they do not feel it; but they know it has, and they come here and ask the House to place them in such a position that under the law justice can be obtained.

I think it will not be necessary to prove that these combinations exist, and I need not do anything more than quote from the evidence taken before the Combines Committee to prove my case. A gentleman is under examination before that committee, and he knows what he is talking about. I will not mention names, because it is not necessary. The question is asked by Mr. Fisher:—

"Q. I understand you to say that the guild controls the list but at the same time ——

"A. It is the list of the guild.

"Q. Exactly, it is the list of the guild; but at the same time you exercise supervision over it that the changes must be within reason, as you call it?

"A. Well, if they were very marked I would ask the reason why.

"Q. You would consider yourself at liberty to break the agreement?

"A. I consider myself at liberty to break the agreement at any time without reason. It is perfectly voluntary.

"Q. It is an agreement as long as you are satisfied with the list?

"A. As long as I am statisfied that the thing is, as I believe it is, honestly and fairly conducted.

"Q. Fairly and honestly, as between you and the guild?

"A. And the public."

HON. MR. SMITH—Is that the evidence that was given before the committee the other day?

HON. MR. READ—No; this was the evidence before the Combines Committee in the House of Commons two years ago.

HON. MR. McINNES (B. C.)—Will the hon. gentleman inform the House whose evidence he is reading.

HON. MR. READ—I said I would not mention names. The witness is asked:

"Q. Well, the public, according to you, have no say in the matter whatever. Their interests are simply affected as to the advance which you and the guild agree upon, that the sugar must be sold at. The public have no control over the agreement in any way whatever. The agrement is not an agreement between the guild and you and the public; it is an agreement between you and the guild which affects the public. Is that not so?

"A. Well, that is a very long question.

HON. MR. KAULBACH—Whose evidence is this?

HON. MR. READ—I said I would not give names, but if you will have it, it is the evidence of Mr. George Alexander Drummond:

"Q. Had the public any control over the agreement?

"A. Well, you covered that.

"Q. I understand that the public have no control over the agreement?

"A. Well—

"Q. Do you say that they have?

"A. I don't know; we will see.

"Q. I want you to answer that question. I put the question; I would like an answer?

"A. I don't think a gentleman should ask a question like that; it is wasting time.

"Q. A few minutes ago I asked you about the control over that list, and it is an agreement between you and the guild, and you say affected not only you and the guild, but the public, and that leads up to the question whether the public have any control over that agreement?

"A. That is not the question. It is its effect upon the public I have to take into consideration, and I maintain, and they maintain, that the public cannot get the service of distribution on any cheaper terms. That is the full extent to which the public is interested."

I could go on and read more of the evidence, but I think I have read sufficient to show that the public have no interest in the combine—that they do not know anything about it, and it is no trouble to prove that a combination exists between the wholesale houses and the refineries—an alliance is entered into between them, and that is as far as it has gone. You want to buy some sugar. You have your money in your hand and ask for a quantity; you are told that you do not belong to the guild, and that therefore you have to pay $\frac{1}{4}$ per cent. advance or $\frac{3}{8}$, or in some instances $\frac{1}{2}$ a cent advance because you do not belong to the combine. These things I think are not to be desired. I do not think they should exist in a free country; and it is a grievance that we should try to remedy at the earliest date possible. It is within the knowledge of this House that some 212,000,000 of pounds, or nearly the whole of the sugar consumed in this country, passes through the hands of the refiners. They have the opportunity of taking toll on that, and you can easily see that on such an enormous quantity if the $\frac{1}{2}$ cent per pound is the profit of the combine it will make over one million of dollars. So you can see this is a pretty sweet morsel. This is divided amongst a few, and it is taken out of the pockets of the people of the country. It is singular, when we come to notice it, the small proportion of sugar that is consumed by the people in this country as compared with other countries. I do not wish to say anything more about the reason why it is so. I know very well what the reason is, I know the remedy, and I suppose time will provide it. If the only combination was on sugar we might be satisfied, but when we see combinations springing up in other trades we begin to feel alarmed. There is now a combination in salt to a certain extent. There is a combination amongst the grocers as to the price of tobacco. There is combination more or less in everything used in domestic life, from the cradle to the grave—a combination on infants' food and a combination of undertakers, that bear you to your last resting place. To the grave you must go, but you cannot be wheeled there except under the regulations of a combine in Ontario. I do not know that such a combination exists in every part of the Dominion, but it does in Ontario. We have the grocers' combina-

tion, the coal combination—I think the latter has been more or less done away with. They have been exposed to such an extent that they dare not undertake it again, because the people have seen through it. Then we have a biscuit and confectionery combine, a barbed wire combine; a combine in stovemakers, undertakers, oatmeal millers—and I am happy to say that the latter has come to grief. I need not run over the list of other combines, which I do not wish to speak about, and which I am not so well able to prove. The Combines Committee has done a great deal of good. If it has done nothing else it has induced people to look into these matters for themselves. What does the evidence show? It shows that under the coal combination in Toronto, when a contract was to be given to supply the Government buildings or the water works or other large institutions, it was put up to the highest bidder at a certain price. The contract for water works was to be let. They would say to a coal dealer, a member of the combine: "How much will you give us for the contract at that price, and we will see that is the price you get for it, because all the rest of the dealers will tender at a higher price?" One man says: "I will give $1,500 for that contract," and he gets it. Then you will ask what do they do with this money? If they, get, say $10,000 as the result of the combine, they divide it according to a system that they have amongst themselves, reserving one-sixth of the money that is so filched from the people in this manner for expenses.

I will not read the evidence. It is interesting, but it is not so interesting to the people as it is to those who are engaged in combines to take large sums of money from the people in this manner. I happened to be in the committee room two years ago when the evidence was being taken. A gentleman was under examination, and he said: "I belonged to the coal combine. They fined me $100, and I paid it. Then for some other trivial offence they fined me another $100, and I left the combine. I began to think it was a little tiresome, and I thought I would go on my own hook. The result was, I cut the combine, and I sent direct to the United States for coal. I had the money to pay for it, but I could not get it, and I found that I had no other way to carry on my business than to join the combine again."

HON. MR. SMITH—Because he could not order enough coal at a time.

HON. MR. READ—He belonged to the combine, and he was getting 75 cents a ton from the combine for selling their coal, but he asked somebody to buy a ton of coal or put out a sign or some other trifling thing of that kind, and they fined him $100. I would like to know if that is a state of things that Parliament can suffer to be carried on? I see in this evidence that Gooderham and Worts, very large dealers, by some means or other got a cargo of coal. It came to the ears of the coal combine, and they wrote to the party that shipped the coal that he would be fined for shipping coal to Gooderham & Worts, and they did fine him for so doing. It is a ring within a ring. We cannot prevent our American friends from ringing in that way, but we can prevent it at home. If the only object of this Bill was to punish by fine for entering into these combines they would not mind it one bit: they would simply put the screws on, give one turn more, and take the fine out of the pockets of the people.

But when they have to go behind prison bars then they begin to think. The money punishment they do not care for, so long as they can make it up out of the pockets of the public. I have said enough about the coal combine, and I will leave my hon. friend opposite (Mr. Clemow) to tell what he knows about it. He will perhaps tell the public how many thousand dollars he has put into his pocket through the means of the coal combine. The biscuits and confectionery combine I will say nothing about. The binding twine combine is a matter I do not know much about. All the information we have is that there are four manufacturers of binding twine, and they have a combine. Then take the undertakers. Here is a nice little exposé of their combine, and I quote from the evidence to show how the undertakers of Ontario put up their prices on the people. I will read just a clause or two from the constitution of the association:

"Article 10. Each and every party or parties, who may after this date start business as undertakers within the jurisdiction of this association, may become members by making application to the secretary and paying them the sum of $25, and shall be approved by at least three out of four of the nearest members of this association in good standing to the applicants proposed place of business, and receive the approval of the Executive Committee.

"Article 11. Each new member when first starting business shall, within sixty days after his admission into the association, carry a stock of undertakers' supplies: such as caskets, coffins, robes, linings, hardware, &c., worth not less than $500 clear of all encumbrances. He shall also be required to build or purchase a hearse within six months after his admission. Any new members not complying with the article shall be dropped from membership."

"Before a man can go into the undertaking business he has to get the approval of three out of four carrying on the business in his locality." You can easily understand that it is a pretty hard thing for him to get that. They do not want competition. Combines in any case do not want competition. If he does get their approval, he has certain other things to do. He must have $500 worth of furnishing, but he must not lend a scarf even to a friend. If a poor neighbor would be buried he has to charge him for everything, or else he is expelled from the association or fined. You may say, why could he not go into the business independent of the combine? Because the manufacturers and jobbers in undertakers' supplies are all in the combination. Then you ask why does he not import? There is the rub. That is where it hits me. I will not say anything more about that. I will now read Article 26 of the constitution of this combinine:

"Article 26. Any manufacturing establishment of caskets, coffins, and undertakers' supplies, or jobber of same, of every name and nature, who shall, after due notice, sell, or offer to sell, any of their goods to a suspended or expelled member of this association, who has violated the by-laws, shall receive the merited rebuke from the members of this association by withdrawing their patronage."

It shows that that is a pretty close corporation. Many of us do not expect to remain much longer in this world, and when we pass away our widows will probably not have more money than they will find necessary, yet here these combines raise the prices beyond what are fair, and declare that there shall be no competition in trade. If there was nothing else to be said against these combines that would be sufficient to justify me in supporting such a Bill as this. If these words had been of no importance, we would not have found people travelling hundreds of miles from their homes to have them struck out of the Bill. The House of Commons without a dissenting voice passed this Bill, because it has been found almost impossible to secure conviction if these words are retained. It is true that no one has gone to court to test it—why? Because they would be entering into litigation with people who would take the money out of the public to pay the expenses. Now there are the fire insurance companies; we know that there is a combination among them. Others may know more about the subject than I do, but I am aware that the rates of insurance have been raised through the combination of the companies, and those who have to pay those rates complain that it is against the public interest. I therefore move that the said report be not now concurred in, but that the Bill and the report thereon of the Select Committee on Banking and Commerce be now committed to a Committee of the Whole House.

HON. MR. SMITH—I seldom trouble this House, and I would not do so now if it were not for the statements which have been made, no doubt with the hope that they will go unchallenged. I therefore wish to say a few words on this subject. The promoters of this Combines Bill, in my opinion, are more anxious to appear before the public than to benefit the people. I deny that there is any hardship resulting from combines in this country, and I repeat that the only object of those who are pressing this measure is to make an impression on the electors, before whom they must soon appear in their constituencies. I should like to say a few words first on the sugar question. For many years I have taken an interest in that subject, and I have dealt considerably in sugars. When the refineries were about to be started in Canada I thought they would be a boon to the consumers of sugar throughout the Dominion, and I have every reason to still entertain that opinion. I know that the refineries have been of great value to the consuming population and have saved them a very large amount of money from year to year. The refiners are held up as men who combined to enrich themselves at the expense of the public. Has that been the case in Halifax? In that city millions of dollars have been spent in attempts to establish refineries. For a considerable time they never paid a dollar on the money invested. The largest refinery had to be stopped. The stockholders lost all their money and the refinery passed into other hands. Since then it has yielded a very slight profit to those who are engaged in the industry.

HON. MR. POWER—About 50 per cent.

HON. MR. SMITH—No. Some years and some seasons they make a considerable profit, but there are times when they lose money. The refiners take great risks. They have to order largerly, and when their orders are given, if the production of sugar in the countries from which it comes is greater than was anticipated, there is a drop in prices, sometimes to the extent of 2 cents a pound, and the refining industry loses. No thought is taken of such losses; we only hear of the profits that are made. Not two years ago I am satisfied that the sugar interest lost millions of dollars. A portion of last year was a serious one for the sugar refiners, and also for those who dealt heavily in sugar. The production of sugar turned out to be in excess of what was expected, and prices dropped in the foreign market. There was a proportionate drop in prices here, and every refiner and every merchant who held a stock of sugar lost money on every pound of it. There was a fall in price, within twelve months, of $1\frac{3}{4}$ cents per pound, resulting in an actual loss. We never hear of these facts from those gentlemen who talk against combinations. What would our country be without combines? Combinations in a legitimate way are reasonable and proper, whether they be combines of laborers, farmers or refiners —they are good if they are not carried to too great an extent. We are told of the case of one unfortunate merchant who is losing about 80 cents a barrel on sugar because he cannot buy from the refiners. That gentleman is Mr. Matthewson, of Montreal, a wholesale grocer. In my opinion Mr. Matthewson wants to make a stronger combine than has ever before existed in this country—he wants to build up his trade and advertise himself to the country. He goes to a refiner and buys granulated sugar at 7 cents: he sends out his travellers and sells it for $6\frac{3}{4}$ cents, and offers to furnish all the sugar that is asked for at that price or at some price lower than the refiners or the wholesale merchants in the country can sell it for. That gentleman appeared before the committee and used such strong language that it could not really be wholesome—he thought he would never be contradicted. He spoke against the refiners, but he did not tell anything about his own tricks or what he wanted to do. What were the consequences of Mr. Matthewson's course? The refiners must have said: "Mr. Matthewson, you are selling this sugar lower than your neighbors and lower than you can buy it from us." Mr. Matthewson's answer to that would be, I suppose: "Well, what need you care, as long as I pay for the sugar."

HON. MR. POWER—Certainly.

HON. MR. SMITH—But there is where the disturbance in trade comes in all over the country. Then, according to Mr. Matthewson's theory, the people would buy the sugar from him because they could get it cheaper than from the refinery or any wholesale merchant in the country. That is the way that Mr. Matthewson and others like him work. Is that an honest way to do business?

HON. MR. ROBITAILLE—How could he stand that sort of thing?

HON. MR. SMITH—He puts it on other goods, where the purchaser cannot see if he is overcharged, and he makes the people believe that he is a martyr. That is the man that appealed to his God in that committee, in language, as I have said, that was too strong to be wholesome. I say it is unfair for him to play such a trick and charge the refiners with doing what he himself is guilty of. It is all very well to have combines among the farmers, the mechanics and the laborers; it is only combines of manufacturers, we are told, that are dangerous. Has any refiner or merchant ever said a word against the farmers' combines? I have never heard a word of it. The farmers combined to run a co-operative store, agreeing to buy their goods there and nowhere else. Did anybody object to the farmers taking such a course? No; because the merchants were reasonable men and knew that very soon the farmers' co-operative store must come to an end—that it could not be carried on as cheaply as a legitimate mercantile establishment with a reasonable profit. The next farmers' combine was the Grangers' Union. Nobody objected to that, because every sensible man knew that the farmers would discover their folly in the course of time and drop it, as they dropped the co-operative store. Then came the farmers' guild, a combination not to buy anything from merchants, though the merchant had been

the farmer's best friend in the past, had trusted him year after year, and often when an account had been allowed to run for years, let him off without interest. The merchant was not hard on the farmer—he is not hard on the farmer to-day—nor is anybody else. When it suited the farmer he joined this guild and said: "I will not buy an article from any storekeeper." He has tried it to his heart's content, and has learned, to his sorrow, that no combine got up by farmers or mechanics to run a mercantile establisment can ever succeed. Then comes the cheese question: the farmers have had a cheese combine, a reasonable and, I think, a legitimate combination, for the purpose of carrying on cheese factories and exporting cheese directly instead of through merchants.

HON. MR. POWER—That is not a combine.

HON. MR. SMITH—The cheese combine succeeded better than any other farmers' combination, and this proves that combinations for reasonable purposes, carried on in a reasonable and proper way, are not objectionable; but a combination for the purpose of preventing men from working at what they consider reasonable prices, or to prevent men from dealing where they think they can get the best terms, ought not to be legal. I am pleased when I hear of reasonable combinations of mechanics, or laborers, or tillers of the soil, for the purpose of promoting their mutual interests and sharing in the increasing wealth of the country, and I am sure that many of those capitalists—who are spoken of as monopolists and tyrants—are glad to witness the prosperity of those classes that are loudest in their denunciations of combines. The leader of the Opposition, the hon. gentleman from Ottawa, says that the farmer pays more for his goods than he formerly did, and that the increased prices are the direct results of the National Policy. I ask him to point out one article that is not cheaper to-day than it was before the National Policy was introduced. If he can point to one article which is not cheaper I shall be glad to admit that I am mistaken. The hon. gentleman from Quinté says that during last year the refiners put through 212,000,000 lbs. of sugar, on which they made a profit of half a cent a pound. I am quite sure if they could make such a profit they would be well satisfied, but I know that they do not make any such profit.

HON. MR. READ—I said the combinists and refiners together.

HON. MR. SMITH—I say, without fear of contradiction from any merchant in the country, that the wholesale merchant to-day makes less on sugar than at any time during the forty years that I have been in business—that he makes less on tobacco than he ever made before. I am not afraid to state to the House the profits that we make, and I assert, without fear of contradiction, that the wholesale merchant does not average more than 1½ per cent. on all the sugar he sells from month to month. I am prepared to prove that the farmers were never as well treated in obtaining their supplies of groceries as they are at present, notwithstanding all this cry about combinations. I hope I have said enough on the sugar question to show that there is no fortune in it, and I question very much if there is even a moderate profit. Last year the prices fluctuated. The price of sugar was low at one time; then it jumped up, because the production, it was said, in the countries of growth, would be short. The refiners and merchants did very well for a time and were making money, but later on it was found that there would be 50 per cent. more sugar than had been anticipated, and there was an immediate drop in prices. Every merchant and refiner who had sugar in stock lost on it at once. The refiner lost on every hogshead of sugar he held here and even on the supplies which he had ordered and which were still at the place of growth awaiting shipment. I do not hesitate to say that many merchants have lost $1.75 per barrel on sugar for the last two or three months. Such are the risks which merchants have to run. Is it not reasonable that there should be a little profit on the capital that they have invested. Do hon. gentlemen expect that capitalists will invest in any industry without a hope of making something on their investments? It is very hard for a refiner to go on year after year making a profit—it is almost impossible. He cannot foresee how the crops will turn out. He has to buy on a chance, and when he has purchased, has to stand by his bargain, whether he makes or loses on it. If our

late lamented friend, John Ross, were alive to-day he could tell you that he lost hundreds of thousands of dollars the last year he was here. Was he a tyrant? Was he not a man that held out the hand of friendship to every honest man? He was a big-hearted man, a great speculator, but a legitimate speculator, and had he not a right to make a profit on his transactions? He had; but there were times when he lost and it is known that the last year of his life he was often seen walking with his hands behind his back lamenting the terrible loss he had made on sugar.

HON. MR. READ—He died worth many millions.

HON. MR. SMITH—I shall not dwell on this question, because there are gentlemen here who understand it better than I do. I shall, however, say a few words about salt: they say that salt and sugar are both sweet in their own way. The promoter of this Bill, before the committee the other day, laid great stress on the monopoly in salt. Few men in this country have watched the salt trade during the last forty years more closely than I have. I will tell you a little of what they say the combinations have done. I knew a man who went into salt manufacturing when he was worth $150,000. He devoted fifteen to twenty years of the best of his life to the industry, and when he left it he was worth $150,000 less than nothing. He had to leave the country without paying his debts, and the unfortunate man died in a foreign country last week. He was an honorable, upright citizen.

HON. MR. POWER—Perhaps that was the reason.

HON. MR. SMITH—Every man that put money into that salt industry has lost nearly every thing he invested in it. The gentleman who promoted the Bill said that the salt combination had raised the price from 55 cents a barrel to 70 cents. When salt was sold at 55 cents, 30 cents of that went to pay for the barrel, leaving only 25 cents to pay for the pumping, manufacturing and barreling. Time and again one of the gentlemen interested in the manufacture of salt has told me that they scarcely ever made a cent, but they kept on, hoping that they would reach a turning point when prices would improve. If the price has gone up to 70 cents, is there anything wrong in that? In early times in this country the farmer used to pay from $2.50 to $3.50 per barrel, if the carriage was long, in any part of the interior of the country. Now the railroad system is so thorough that 25 cents will take a barrel of salt from the works to a very great distance. Any merchant will sell that salt at a profit of from 5 to 10 cents on the barrel—seldom more than 5 cents, because it is a staple article. They wish to please the farmer and they sell a barrel of salt at from $1 to $1.05. If you know the whole state of affairs you may well wonder how the merchant keeps afloat. But many merchants are failing this year, as you can see by the papers. Why? Because they are getting scarcely any profit on their goods. So much for the salt, and any man that gets a barrel of salt at from $1 to $1.25 in the interior of the country pays very little for it, compared with what he had to pay before the National Policy came into existence.

HON. MR. PERLEY—I paid $3, and was glad to get it at that.

HON. MR. SMITH—That shows that what I state is correct. Few know better, perhaps, than I do, what the prices were formerly. When I went to London first I controlled every barrel of salt that went through the Welland Canal in that whole western country, and I paid for it when it was landed from the schooner and took my risk in supplying the farmers wherever I could.

HON. MR. READ—You bought it in the United States?

HON. MR. SMITH—There was no other place to buy it then. I shipped it to Goderich, Port Stanley, and other places. I advanced the money, sold the salt on credit, and what profit did I have? I got 8 cents a barrel; I had to pay for all the dross, all the breakage, all the salt that was spilled, and I had to pay the money in advance, and some of this I trusted out to merchants and farmers, and never got a farthing of it.

HON. MR. POWER—The hon. gentleman seems to have done business a good deal like Mr. Matthewson.

HON. MR. SMITH—I never got a profit of more than 8 cents a barrel on salt

during that whole period. Then the salt sold at from $2.50 to $3 in different parts of the country, so that you will see that farmers are better off under the National Policy. A gentleman appeared before the committee the other day representing a labor organization. He was not so very particular about that Bill being passed, if I understood him aright. He thought it would be rather a hardship than a benefit. Another gentleman who spoke said he was a secretary of an enormous combination of 80,000 farmers. What cheek he must have had to appear before the committee in opposition to combines! Every man who spoke before the committee, with the exception of Mr. Matthewson, represented some combination; yet they have the audacity to ask this House to legislate against combines. Is that fair, right or decent? It is not. As I have said, I have no objection to a legimate combination for purposes of mutual protection or mutual benefit, but I am opposed to combinations that would wipe out those who interfere with their interests, opposed to combinations that would prevent a widow from having her son apprenticed to a mechanic. Time and again has such a thing occurred; time and again has a widow been told, when she has brought her boy to be apprenticed to a mechanic: "We cannot take him into our establishment; we are only allowed by the union to have so many apprentices."

HON. MR. PERLEY—Who said that? State the name?

HON. MR. SMITH—It is not necessary for me to mention names; every one here must know of instances of the kind.

HON. MR. PERLEY—I do not.

HON. MR. SMITH—Many a widow has been answered in that way—has been told that combinations of workingmen have forbidden employers to take more than so many apprentices in proportion to the number of hands employed in their establishments. Is that right or proper? Is that not a combination of the worst character—a combination that ought to be frowned down by every honest man in this country? Whether it is a member of Parliament who is seeking for popularity amongst his constituents, or anyone else who encourages such organizations in Canada—this country, which is destined to be one of the greatest and freest among the countries of the world—should be frowned down. There is not a man in this Dominion who is more anxious to protect the rights and liberties of laboring men than I am. I challenge anyone in this country to show an employer who pays his men more wages than I do. I defy anybody to say that I fail in this respect to treat my employés liberally. I am not afraid of being contradicted on this point. It is not for me to dwell on these things, but I say this clap-trap of politicians appealing to the farmers because the elections may be soon coming on, and making themselves popular by throwing the burden of this on the Senate, is too transparent. Well, hon. gentlemen, the Senate can afford to stand this kind of thing. It is well for the country sometimes that they have a Senate. The hon. gentleman from Quinté says that the unanimous feeling of the other House is in favor of this Bill; don't we all know that the feeling of the other House always is to throw a thing like this on the Senate, instead of taking the responsibility of it themselves? They do that on purpose. Whether it is done wilfully or otherwise it happens so, and it has been repeatedly done.

HON. MR. PERLEY—We had better abolish the other House altogether.

HON. MR. SMITH—We know that the hon. gentleman from the North-West threatened the other day that if such and such things went on he would be one of the first to smash this Confederation to pieces.

HON. MR. PERLEY—Is the hon. gentleman speaking of me?

HON. MR. SMITH—I was referring to what the hon. gentleman said.

HON. MR. PERLEY—I say it is false. I did not say what you are saying.

HON. MR. SMITH—Tell us what you did say?

HON. MR. PERLEY—I said I would be opposed to the National Policy, and I do not take it back, either.

HON. MR. SMITH—The hon. gentleman said if the opportunity offered he would tear this Confederation all to pieces.

HON. MR. PERLEY—I beg the hon. gentleman's pardon. When I saw two members of the House of Commons grossly insulted in the committee by being flatly contradicted, it made me angry.

HON. MR. SMITH—You get angry too easily, and if you were one of the modest Senators of this House, when 16 to 3 passed their opinion against this Bill, you would have gone quietly away with such a majority against you.

HON. MR. PERLEY—I will tell you about that when the time comes.

HON. MR. SMITH—I don't want to place that hon. gentleman, or the hon. gentleman from Quinté, or the hon. gentleman from Monck, in a false position, but they are a combination of three, and they want to override the sixteen members of the committee, and run them into a corner. I did not want to trouble the House, and should not have done so this afternoon only for the zeal that a few hon. gentlemen showed against the large majority of that committee, and I would not have said a word if the hon. gentleman from Quinté had not moved his resolution. But when he moved this resolution in the face of the feeling of this House, and in the face of the almost unanimous report of the committee, I would not be the man I consider myself to be if I did not say a few words on the subject. I have stated the truth. I have said what I know. For the last twenty years there has been no profit in the manufacture of salt; it has been almost given away to the farmers at the cost of production. When one of our representatives from the west, a worthy man, whom everybody appreciates up there, wants to show that these combinations are ruining the whole country, I say no. I say it is a combination of capital and a combination of wisdom that has brought our country into the position it now occupies. It was by a combination of the wisdom of the country that our old chieftan brought the National Policy into existence, and has built a railway from ocean to ocean that has made us prominent before the nations of the world as a people who know how to take care of ourselves. It is this combination of wisdom and capital that is keeping us here, I might say almost for a purpose, and we have accomplished that great purpose, the establishment of a prosperous, a progressive and a powerful Dominion. It is that combination of wisdom and capital that has attracted the notice of our American cousins, whose eyes we have opened, and who say that the sooner they get hold of this promising country the better. The Dominion has become prosperous. It has grown up from a few petty Provinces to be one of the foremost colonies of Great Britain, and is not that the result of a combine? Has not everything that is great and successful something of the nature of a combine about it, in a reasonable and legitimate way? I would suggest to hon. gentlemen that we should all combine for the purpose of keeping this great country in our own hands, instead of threatening to break up the Confederation. Hon. gentlemen should be careful not to make statements that cannot be borne out by facts, and they should not jump to the conclusion that great fortunes are being made by any trade combinations in this country, for there are none that I know of at the present.

HON. MR. OGILVIE—Though I do not, as a rule, like to find fault with others who have spoken, I must say that what we have listened to this afternoon has been to a great extent a repetition of what we heard in committee the other day. Every speech that has been made has been on some other subject than the question before us. The question before us is not whether these combines are right, or whether they are wrong: it is whether we should pass a Bill this Session that, in effect, says that what we did last year was all wrong. I think that is it, as near as I can describe it. Last year we introduced the words "unduly" and "unreasonably" into this Act with the almost unanimous consent of the House.

HON. MR. POWER—No; no.

HON. MR. READ (Quinté)—No; it was not.

HON. MR. OGILVIE—It was by a large majority at any rate, and that is the question we have before us now, and that was the question we had before us in committee the other day; but we could not possibly keep any speaker down to the subject at issue. Each speaker would insist on telling us a long story about something that was entirely foreign to the question before

the committee. I think these words "unduly" and "unreasonably" strike very hard at the minority on that committee, because they were always talking about the undue influence of those combines, those unreasonable combines. We do not want anything that is unreasonable; we do want what is reasonable. We thought so last year, and we think so again, and we think that those words should remain in the Bill. The hon. gentleman from Toronto spoke truly when he stated that the biggest combination that we know of is the very combination that is represented by the three gentlemen who were in the minority on this committee. The meeting of the committee was put off from day to day in order that they might have the benefit of what they, the representatives of the farmers, had to say in support of this Bill. The representatives of the great farming association of the west came before the committee, and each one of them told us all that he had to say, but I do not think that it helped us a great deal, because after they had got through I do not think we knew anything more about what we had to do than we did before. But even these representative men did not seem to be deeply impressed with the nature of the Bill before us, because I have a solemn declaration, taken before a commissioner for taking affidavits in Montreal, which I will read to the House:—

"MONTREAL, 5th May, 1890.

"To the Hon. A. W. OGILVIE,
"Senator, Ottawa.

"SIR,—After the meeting held by the Committee of the Senate, on Friday, the 2nd instant, on Banking and Commerce, the three representatives from the Central Farmers Union of Ontario expressed their opinions freely to Mr. C. P. Hebert and myself, and stated that had they seen a copy of the Wallace Bill as was proposed and passed by him through the lower House, and is now before your honorable House for adoption, that they would not have left home as representatives of their union. They stated it was entirely a Bill of class legislation for trades unions and against the farmers' interests.

"I remain, yours truly,
"D. L. LOCKERBY.

"I hereby declare that the above is correct.
"CHARLES P. HEBERT.

"Montreal, 5th May, 1890.

"JAMES A. TAYLOR,

"A commissioner of the S. C. for the Province of Quebec for use in the Province of Ontario, also for the Province of Quebec."

Now, after putting ourselves to a great deal of inconvenience, and postponing our meetings to hear those farmers, in order to hear what they had to urge in favor of this Bill, they find that they have totally misapprehended the purport of it.

HON. MR. POWER—They only looked at the second clause of it.

HON. MR. OGILVIE—I think that the day is past, in these days of railways, steamers and telegraphs, for the people to be oppressed by combinations. There may be combinations in the United States, but they do not exist in this country. After spending so much time in talking about a question that is not in issue we might now confine ourselves to what is before the House. There is nothing before us to prove that the law is a hardship to anybody, as we passed it last year. That being the case, I think it is better to leave it alone, and until it is proved to us that the law with these two words in it is a hardship and an injury to any class of people in the country, or to the country generally, then let us leave it alone. I do think, with all due deference to those gentlemen who are my superiors in knowledge and in years, that we had better confine ourselves to the questions before the House, and leave sugar and salt combines and other combines out of this debate.

HON. MR. McCALLUM—This Bill was sent to me from the other House. Unfortunately when it was introduced here I did not happen to be in the Chamber. It is not an extraordinary Bill. It only deals with two or three words, but hardly anybody here would venture to father it. The senior member for Halifax was kind enough to take charge of it until I came in. My hon. friend from Toronto has said that all this agitation is simply clap-trap. Does he mean to tell this House that the 215 members of Parliament who represent the people of this country would pass a Bill the second time in that Chamber if it was nothing but clap-trap? I am sure that the hon. gentleman must have forgotten himself when he made such a statement. I remember the time when sugar refining was an infant industry in this country. The refiners came knocking at the doors of Parliament asking for assistance, and what did they say? Grant us what we ask and sugar will cost you no more than it has hitherto cost, and we will have the advantage of employing the labor in our own country and refining our own sugar.

The Government appealed to the people in 1878 on that policy and the people sustained them under that policy. But soon afterwards these refiners, and the Grocers Guild, as it is called, entered into a combination to raise the price of sugar. The people find fault with the refiners, that with the protection they already have they should have entered into this unholy alliance. They were not satisfied with the protection they had under the National Policy. They were getting rich, but they wanted to squeeze a little more out of the people. That is proved by the sworn testimony taken before the Committee on Combines in the House of Commons. The representatives of the people in the other House passed a Bill, and they sent it up to the Canadian Lords, many of whom I think (I am not sure) are in combination against the people. When I hear words passing between the hon. gentleman from Assiniboia and the hon. gentleman from Toronto about smashing the Confederation I do not think any hon. member of this Chamber would do anything to smash the Confederation; but I say this to the sugar lords, the coal lords, the coffin lords, Lord Codfish, Lord Pickle Herring and the cold water lord, and all the other lords in this House who are forming combinations against the people of this country, that the people who gave them that protection can take it away from them. The people are their masters. We are here, but by what right? We stand here with walls of stone around us. Independent of the people? No. Here is a Bill sent in from the House of Commons last year, and again this year, and we say we will not adopt it. You have got to give way in the end. You are only carrying this nefarious combination principle too far. It is a warning, gentlemen! Submit to it gracefully. That is my advice. There are combinations, of course. For what? For the benefit of the consumers in this country? No; combinations of the rich, in order that they may put more money in their own pockets. Do you imagine for one moment that the people in this country are going to stand it? When they adopted the National Policy it was to give manufacturers an opportunity to make a fair profit; but the moment you combine against the people they will kick. They will not stand it. This Bill was referred to the Committee on Banking and Commerce and to accommodate some senators it was fixed for discussion on Wednesday, and before the deputation of farmers came down some gentlemen wanted to choke them off. We have taken two days in committee on this Bill, and we have taken this afternoon, discussing and explaining to the lay mind, as these professional or legal lords I see around me who aspire to the ermine by-and-bye would say the meaning of the words "unduly" and "unreasonably." I do not know that I understand it yet, but it strikes me in this way, that these combines can take just so much from the people, but if they go further than that they will be punished. It is as much as to say we can rob you of a certain amount, but until we go so far you cannot interfere with us. That is the truth of it, because I have taken a little trouble to look up the meaning of the words "unduly" and "unreasonably." Just think of the Senate being two or three days discussing these two little words? How anxious gentlemen engaged in combines are to come here and protect themselves. The National Policy protects them on all sides, but they don't want to give the gentleman who promoted this Bill in the other House the slightest chance. I may say that the promoter was insulted before the committee, or the next thing to it; he could hardly get a hearing. As usual, Alexander Coppersmith was raising an uproar at Ephesus because his trade was likely to be interfered with. "Great is Diana! Great is Diana, the God of the Ephesians."

I have taken some trouble to look up the meaning of the words, "unduly" and "unreasonably," and I find it as follows:—

"*Undue influence* is an influence which restrains free and deliberate judgment on any matter.—Sweet's Law Dictionary.

"*Undue influence at an election* is an influence which restrains the free exercise of a voter's franchise by violence, or intimidation, or any other improper manner.—Sweet's Law Dictionary.

"*Undue influence* of any kind has been decided to mean influence that savours of fraud.—Anderson's Law Dictionary, p. 542.

"There is no difficulty in deciding what is meant by *unduly* in the Act. The word does not in any way lessen the force of the Act against combines.

"The word "unreasonably" in the Act of 1889, is calculated to invite litigation and confuse the decisions of the courts.

"Prices rise and fall to such an extent year by year, that a 'reasonable' price one year might be an extravagant price another year; and a combination to raise a very low price might be held to be 'reasonable,' while a combination to raise a good price might be held to be equally 'reasonable.'

"The word *unreasonable* ought to be struck out, because any combination to raise the price of an article must be *unreasonable*, since it is contrary to the natural state of the market. The prices of articles are already reasonably protected by the tariff. To allow of a further protection by private tariffs is to allow private individuals to assume the powers of Parliament and tax the people without legal right to do so."

Gentlemen, are you doing this? As I said before, these lords are very genial, nice gentlemen. I am every day amongst them, and I never met a more genial class of people in my life—but what are they doing? Have they come to this House to legislate for themselves, or have they come here to legislate for the people? That is the question the people of this country will ask. They will name them one after the other, from Lord Sugar to Lord Coal, Lord Codfish to Lord Pickle Herring, Lord Coffin and even Lord Salt. Look at the combination in coffins which follows a man into the grave? Combinations to bury the dead? Yes, by the rules of the combination they return dust to dust, ashes to ashes, on a regular tariff of rates, no matter what becomes of the poor widow and orphan. It is an unholy combination.

THE SPEAKER—It being six o'clock, I now leave the Chair.

After Recess.

HON. MR. McCALLUM resumed his speech. He said: When six o'clock was announced, I was about to make a few remarks about salt, in reply to the hon. gentleman from Toronto. I am going to speak from personal knowledge about it, and I think that is generally the best kind of knowledge. In my part of the country salt was sold at from 90 cents to $1 a barrel. I do not use much of it—about thirty or forty barrels a year—but that is the price that I used to pay for it. To-day you cannot buy a barrel of salt for less than $1.50. Now, why is this? I know for years the salt manufacturers of this country were probably not making a fair profit on their investments. It has been stated here that they now get 15 cents a barrel more on the salt that they produce. Who gets the other 35 cents? Where does it go? It goes to the salt combine. Is it in the public interest that that should be so? Are these men, who have raised the price of salt, producers? No; they are drones in the hive of industry. My hon. friend from Toronto spoke about a cheese combine. There is cheese made in the part of the country from which I come, but there is no combine about it. The farmers unite to put up a building and hire a cheesemaker, and dispose of their products. That is not a combine: they are not drones—they are producing something. It may be said that combines in this country are insignificent yet. Do you want to have such combinations as exist to-day in the United States? If you do not check them now in the bud they will ruin this country yet, in my opinion. We have been told that farmers' institutes are combines, and that their representative was down here before the committee. My hon. friend from Alma read letters from two farmers in the Province of Quebec——

HON. MR. ABBOTT—My hon. friend is mistaken; they were not farmers, but merchants from Montreal.

HON. MR. McCALLUM—No doubt there were a good many merchants from Montreal here and they displayed a great deal of anxiety to keep those words in the Act, and to take as much as they could get from the public before rousing the people. There are farmers' institutes in the Province of Ontario. What is their object? Not to combine against the public. They meet to discuss agricultural questions, to see how they can manage to make the soil produce most and for mutual improvement. If there should be a combine in cheese or any other agricultural produce, put them under the law and prevent any form of combines. I have mentioned something about combines in the United States. I have here a pamphlet by W. W. Cook, an eminent authority, of New York, whose words ought to prove a warning to the people of this country. He says:

"POPULAR OPPOSITION TO TRUSTS.

"The American pople have become alarmed at the growth of 'Trusts.' The Standard Oil Trusts and the American Cotton Oil Trust have sown their seed in a fertile soil, and the rank growth is to-day poluting the air and stifling the existence of healthy life and progress. It is currently reported and believed that the 'Trust' monoplies have drawn within their grasp not only kerosene oil and cotton-seen oil but sugar, oatmeal, starch, white cornmeal, straw paper, pearled barley, coal, straw board, castor oil, salt, cattle, gas, street railways, whiskey, rubber, steel, steel nails, steel and iron beams, nails, wrought-iron pipes, iron nuts, stoves, lead, copper, envelopes, paper bags, paving pitch, cordage, coke, reaping and binding and mowing machines, threshing machines, ploughs, glass and waterworks. And the list is growing day

by day. Millions of dollars, in cash or property, are being drawn into the vortex.

"The fabulous profits which flow from an absolute 'Trust' have dazzled the minds and set on fire the imagination of men. Manufacturers are rushing into the maelstrom. They are staking their fortunes on the venture, and, in their dream of the future, they see a rich and golden stream of wealth rewarding their daring plans.

"They reason well and ably. Cheaper production is to result; multitudes of officers are to be dispensed with; superintendents, travelling salesmen, and expensive advertisements are to be diminished; raw material is to be purchased more cheaply; the highest order of administrative ability is to be procured; inventions are to be encouraged and used; over-production is to be prevented; permanency of employment is to be assured; more certain returns on capital are to be guaranteed; insolvencies, resulting from competition, are to disappear; production on a large scale is to decrease the cost thereof; large and new enterprises, requiring great capital, great risk, and great powers of administration, are to be undertaken; and finally, they argue within the secrecy of their conclave that the public is at their mercy, and that prices may be advanced. Silently, rapidly, and successfully their schemes are being consummated. No shock from the outer world has disturbed the progress of their plans.

"But, in the mean time, what is becoming of the interests of the people? Who is sustaining their rights and advocating their cause? To whom are the people to look in the contest that is about to come? This is to be no insignificant struggle. On the one side are untold wealth, far-seeing management, splendid talents, unscrupulous methods, and that insatiate greed for gain which has little regard for the law of the land. On the other, are the decisions of the courts, the slow and silent but unalterable determination of the people, the legislative bodies, the great and natural laws of competition, and, most of all, a free, a fearless, and independent press. The courts may be defied, legislative bodies may be corrupted, all other avenues of expression of the rights and wrath of the people may be suppressed, and yet the contest will go on. From the daily and weekly press of the country there will come a stormy advocacy of the people's rights which cannot be defied, or suppressed, or conquered. It is the reflector of public opinion. It is the medium of the voice of the people, and the unerring index of the thoughts and feelings and will of the masses.

"And it is a formidable indictment which the people, through the press, have brought against the 'Trust.' It is neither a corporation nor a well defined common-law trust; it avoids the checks and safeguards which a wise public policy has thrown around corporate acts; its articles of agreement are secret and jealously guarded, even from the investor himself; no charter of statements need be filed for public inspection; no reports need be made or published; it may carry on any business it desires; the principles of *ultra vires* acts do not check it; no limit is placed by statute on its capital stock; no laws prevent an increase or decrease of its trusts certificates; no qualifications are prescribed for its trustees; no tax is laid on its charter of franchise or capital stock; no limit is placed by the public on the powers and discretion of its trustees; no publicity is given to its acts. It may move from State to State; it may evade taxation, and defy the powers of courts; it weields vast sums of money, secretly, instantaneously, and effectively, to accomplish its nefarious ends; and it does all this, not for the advancement of the community and the nation, but for purposes of extortion and for the annihilation of independent firms.

"Nor is that all. A monopoly has ever been unjust, oppressive, and a thing of hatred. It raises prices; persecutes those who refuse to come into the combination; crushes out competition; punishes or ruins single independent producers; lowers the price paid for raw material; restricts production; forces iniquitous bargains with railroads; tampers with legislative bodies, and renders fair competition impossible. All this is done, not by honorable methods, but by threats, fear, dishonesty, bribery and discrimination—even fraud and crime have been charged. The idea is made prevalect that unscrupulous methodsand evil ends are justified, provided they are successful. It is difficult for the advocates of monopoly to find argument to support their cause. Nearly three centuries ago, as already said, Lord Coke, in the famous 'Case of the Monopolies,' spoke truly when he said that there were three inevitable results of monopoly: '(1) That the price of the same commodity will be raised; (2) That the commodity is not so good as before; (3) That it tends to the impoverishment of divers artizans, artificers and others.'

"Nor is this the end of the indictment of the Trust. It is a monopoly, and the most cruel, the most harsh and the most detestable of all monopolies. It presses hardest on those who are less able to pay its exactions. It is a grevious burden, which is borne, not by the rich and the powerful, but by the poor and the weak. It is a monopoly in the necessaries of life, in those things which render possible the daily existence of the farmer, the mechanic and the laboring man. In the item of sugar alone it is estimated that the increase already made by the 'Trust' was a profit of over thirty million dollars a year, in addition to old profits which were made before the 'Trust' was organized.

"This monstrous exaction falls heaviest upon him who works for his daily sustenance. The railway, in its excessive rates for traffic, presses only lightly and indirectly on those who are unable to use it. The telegraph affects but little the mass of the people. The telephone is a luxury which the toiling millions cannot afford. But a monopoly in that which the plain people consume day by day, that which they eat and wear and use in their daily toil, is a monstrous wrong. It is a wrong which never has been and never will be endured by an English-speaking people. It presses upon the source of the nation's wealth, integrity, character, intelligence, greatness, and guarantees of permanency. It affects those who send forth the men and women by whom, in the next generation, the business, government and progress of America will be carried on. The 'Trust' takes the money of those whose earnings are used in the struggle for a living, in the common-school education of their children, and in the small accumulations which are laid by for sickness and old age. It is a monopoly which will be a blight upon the nation. It has arisen for the first time in American history. It is a repetition of the historic English struggles between the people and the monopolies granted by the Crown on the necessaries of life—struggles which the people successfully waged when Elizabeth and, again, when Charles the First ruled the kingdom of England. In those days the monopolies went down in the contest. What is to be the result in America?

"THE FUTURE OF THE 'TRUST.'

"The contest between the people and the 'Trusts' is beginning. The forces arrayed on either side foretell a desperate struggle. The Standard Oil Trust, by itself alone, has thus far pursued its way unconquered and unimpeded. And now it is re-enforced by many powerful allies. The 'Trust' seems to be all-powerful, and it is becoming the despot, the dictator of trade. Its wealth mounts into the hundreds of millions of dollars. It employs tens of thousands of men. Its powers are not limited by charter nor public opinion. Its movements are secret, silent, unerring and all-powerful. It ramifies into all branches of industry. It reduces and raises the price of the finish-

ed product which it sells. It ignores the newspaper press, and has effective methods of dealing with Legislatures. In the struggle that is at hand the 'Trust' relies upon its capital, its secrecy, its unscrupulous talent, its fearlessness, and its concentrated power.

"And yet all these will not avail it."

"A 'Trust' cannot succeed unless it can practically crush out competition. It must compass the country or give up the struggle. Competing concerns, content with reasonable prices, will supply the market. Unless the 'Trust' is absolute, it is a body without bones, a machine without motive power; and even after it becomes absolute it is never safe. Its vast profits are a tempting prize, to be contended for by the wealth and enterprise of all men. Capital, ever ready to make daring ventures in hope of great returns, is a power dangerous and unceasing in its menace to the 'Trust.'

"And there is another factor, great and growing, which the 'Trust' has not yet met. Competition and capital may be subdued throughout the length and breadth of the land. A system of laws may be retained on the Statute-book which will exclude the foreign competitor. But when these statutes are repealed, and when the wall that shuts out foreign competition is thrown down, then there comes a competition which cannot be controlled. A world-wide 'Trust'—embracing all lands and all peoples, is yet to be seen. It may be attempted, but it is yet to be proved a possibility. The 'Trust' of America may destroy competition at home, but how is it to meet the competition from abroad? It is beginning to dawn on American people that the exclusion of foreign competition is the cause as well as the safety of the American 'Trust.' It is found in no other land, and the beneficent workings of international trade will sound the death-knell of the American 'Trust.'

"But there yet remains an antagonist of the 'Trust' more formidable than all the others. And the 'Trust' will not prevail. It will go down in the struggle against the instincts and self-reliance, and fertile intellect of a race of men who for five hundred years have come to no compromise with monopoly. Even Queen Elizabeth bent to the indigination of the English House of Commons and repealed the monopolies which she had granted on iron, coal, vinegar, oil, lead, starch, yarn, leather and glass. One of the chief grievances that sent Charles the First to the block was his creation of monopolies."

Sir John Culpepper, in a speech in the Long Parliament, thus spoke of the monopolies and "pollers of the people:"

"They are a nest of wasps—a swarm of vermin which have overcrept the land. Like the frogs of Egypt, they have gotten possession of our dwellings, and we have scarce a room free from them. They sup in our cup; they dip in our dish; they sit by our fire. We find them in the dye-fat, washbowl and powdering tub. They share with the butler in his box. They will not bate us a pin. We may not buy our clothes without their brokage. They are the leeches that have sucked the common wealth so hard that it is almost Nectical." This speech, quoted by counsel in his argument in the Slaughter House Cases, was made at a time when monopolies existed concerning wine, coal, salt, starch, the dressing of meats, beavers, belts, bonelace, leather, pins, and other necessaries, and even to the gathering of rags.

"It has been truly said that most of the great English struggles for constitutional liberty have grown out of unjust exactions of money from the people. The mutturings of discontent started and grew from deep down among the yeomen, the mechanics, and the laboring men. The same causes that were at work then are at work now. The storm is brewing. It will be wise for those who are in its pathway to beware.

"When the railway in England and America showed itself to be a monopoly, by reason of the enormous expense and loss incurred in paralleling it, and when the railway began to insist on the exactions of a monopoly, there came a popular uprising. In England, for fifty years, policy after policy was tried and abandoned, until now the system of private ownership and governmental regulation of rates and accommodations has become firmly established. In America the Granger laws, regulating rates, were followed by a discussion which here, too, has led to a governmental restriction of the railway monopolistic powers. And the same national characteristics which sustained Jackson in his overthrow of the old United States bank can be relied upon to deal with the modern 'Trust.' There can be no compromise between a monopoly and an Anglo-Saxon people. They have never existed together. The modern 'Trust' has yet to meet this tendency of the race. It may spring into power and high position. Like the Standard Oil monopoly, it may accumulate millions of money, destroy hundreds of competitors, and defy the press, the Legislature, the courts, and all the avenues of expression of the popular will; but sooner or later it will feel the heavy hand of the people laid upon it, and when that time comes it will come with a power that cannot be withstood. There will be no trace of the monopoly left.

"Such will be the result, or I mistake the character of the American people."

After all, the sugar refiners are not so much to blame as this combine that went to them and pressed them until they gave way, as appears by the evidence given before the committee last year. They were not satisfied with what they were getting from the Government of this country under the National Policy, but they wanted more. There is this to be said of the sugar refiners: they were making better sugar, but I never heard of the grocers guild making sugar at all. I have heard of merchants telling their clerks to put sand in the sugar and to steep the tobacco, and then come in to prayers. The merchants combined against the consumers of this country, and are taking to-day, as I understand it, half a cent a pound more on every pound of sugar they sell than they should take. They have had protection from the Government of this country; they ought to have been satisfied with it, and I warn them that they had better be satisfied with what they have, because the power that gave them protection can take it away. Do those combines make any returns to the Government? No. All their meetings are in secret, as they are in the United States. They have not reached the same proportions in Canada, because the National Policy has not been long enough in existence, and they have not had the chance to grow here as they

have in the neighboring country. I have said a good deal in a jocular way about the different lords we have in the Senate—Lord Undertaker, Lord Coal, Lord Sugar, and others. But Lord Undertaker is not the worst of them. In conversation with him, what does he tell me? He says: "I only get one chance, and if I do charge 400 per cent. I do not get as much as the others do. Here comes Lord Sugar; he is at me all the time—he taxes me three times a day. You can see how much he takes in the lifetime of a man compared with what I take—I only get one chance. Here is Lord Flour, he taxes me for every meal I take." Gentlemen may say that there is no combination among the millers, but at a recent meeting of the Millers' Association at Listowel, one of them, named Plewes, advocated a combine over the country for the purpose of putting down the price of the farmers' wheat. It did not amount to much, because a man named Norris, of St. Catharines, would not go into the combine, and that broke it up. Then Lord Coal taxes us every time we get warmed, as Lord Coffin tells me. Lord Cotton taxes us every time we get a shirt, in his nice, smiling way and genial manner that I respect so much. We have Lord Shoddy, who taxes us every time we get a suit of clothes, and a man who dresses respectably must have four suits in the year. Lord Steel taxes us every time we buy hardware of any description. Lord Terra Cotta is young yet, but he is ready to take your money if you want to erect a fine building. And here, too, is my friend who has done a great service for the people of this country. I am surprised to see him acting in concert with the other lords to oppress the people of Canada—I refer to Lord Cold Water. I hope he will be spared to help us to promote the interests of the people at some future day. Supposing this Bill is thrown out, what will the people say of the Senate of Canada. They will say that the House of Commons has passed this Bill twice and sent it to the Upper House; we were asked to pass this measure in the interest of the large consuming population of Canada, yet we amended it last year so as to make it of no value. The House of Commons has again passed the Bill, and what are we going to do about it? If we do not pass in this year we will hav to pass it next year—we will have to give way, and we had better do it gracefully in the interest of the people. The 215 members of the House of Commons, representing the people directly, and answerable to the people, demand that this Bill shall become law. It is no clap-trap; you had better bow gracefully to the inevitable. Let the Bill be referred to a Committee of the Whole House, and if there is anything wrong about it let us amend it; but I appeal to the House not to throw out the Bill and refuse to redress the grievances of which the people complain. In conclusion, let me remind hon. gentlemen that May's "Parliametary Practice" says that lords that have a direct interest, or an interest at all, should not vote on a question of this kind; but of course it is left to their own honor, and I hope some of them will walk out.

HON. MR. DEVER—As I am about to vote somewhat inconsistently with my views on trade, I think it advisable that I should explain my position. It is this: I intend to vote to sustain the legislation of last year in the Senate. I do not think it is well for us to stultify ourselves and go back on that legislation until we have a full opportunity of knowing the result of it on the country. I am by conviction and training a Free Trader, and those who have preceded me are well known in this House and country to be Protectionists. My hon. friend from Quinté advocates a high tariff on oats, cheese and other commodities in which he is more or less interested. Others who are interested in manufacturing industries advocate protection. In doing so they are consistent, but I think it is not consistent when they refuse to extend the principle of protection to another class which combines in self-defence. They are not disposed to stand by protection on general principles. Viewing the matter in this light, I feel that the Senate has a right to sustain the legislation of last year, and I hope they will do so, though when I give expression to the hope I am far from agreeing with the arguments of some hon. gentlemen who have preceded me. One hon. member set forth that the merchants of this country are at present making very little profit on their transactions. He did not seem to see that the cause of this was that the merchants of this country at present are simply retailers. Formerly those merchants did an import trade from abroad under a Free

Trade policy, and were real merchants; they bought in the lands where they could purchase cheapest, and were thus enabled to sell in their own markets at reasonable figures. That is all done away with; the West India Trade of our country is done away with; we have no more foreign importations and protection is the policy of the country. I bow to the will of the people: I do not see that I have a right to set up my view against the judgment of the majority. Twice the people of this country, by a large majority, have sustained the protective policy at the polls, and I believe they will sustain it again at the next election. Therefore, I think we have a right to bow to the will of the people and carry out their views. Looking at matters in that light, I feel, though my principles are those of Free Trade, that I have a right to sustain our present policy until there is a change in public sentiment. I have some idea of going into commerce again, and if I were to do so I would feel at a loss to know what to do. I would not feel disposed to purchase goods from local sources. I know that one or two of the last transactions that I had, when I was a merchant, were very unsatisfactory. When I was in the trade it was my habit to import tobacco from abroad, perhaps four or five hundred boxes at a time. On that tobacco we had a very fair profit, because we bought in the proper market. I have known others engaged in that trade to import large quantities of tobacco, and after paying our local duties and getting a fair profit, they were able to sell those goods again to other countries. All that is now done away with. We have to go to one or two manufacturers in this country who, no doubt, are combined to sell tobacco at a certain price. One hon. gentleman who is in trade, and who ought to desire to have freedom to import from abroad, advocated a continuation of the present system. He knows very well that he could not get permission to purchase abroad; he would have to go to one or two manufacturers of tobacco and pay their price, and that would prevent him from getting anything more than a mere commission on the transaction, because his customers, to whom he formerly sold, would have the same privilege of going to those manufacturers and making their purchases direct. Consequently, though a merchant may do an extensive business and have a large capital invested, he cannot do better than those small traders, and has to bring down his business to meet the changed condition of affairs. So it is with the salt trade. In former times the salt trade with Liverpool was an extensive one. It gave ballast to our ships, and we imported and sold it to our fishermen at a moderate price. We cannot do that now; our ships are deprived of the ballast and also of the freight. These are matters that you, who are engaged in manufactures, ought to consider. You are prospering, but I hope that in your prosperity you will see that there is another class, a very valuable element of our population—the mercantile community, the importing class, who built our cities by the seaboard—are declining. These men were trained to find out the best markets in the world, and they imported goods on such terms and conditions that they were enabled to sell at moderate prices. In those days sugar was imported very extensively, giving freight to our ships. It is different now; it is more profitable to the manufacturer than to the importer. As the hon. gentleman from Toronto said, the importer makes very little profit now, but he did not seem to see the reason of it. It is that they are merely retailers, and are not merchants at all; they have to buy from the local manufacturers and are at their mercy. I think it is well known to all commercial men that, though our present policy is beneficial to manufacturers, it is unsatisfactory to very many of those who are engaged in trade. However, having voted for the legislation of last year, I will sustain it now. We criticised those words last year and had the opinion of the best legal authority in the House that they were the most fitting words for the purpose we had in view. I have not changed my opinion yet, and therefore I shall vote to sustain the legislation of last year.

HON. MR. KAULBACH—I voted against the introduction of the words "unduly" and "unreasonably" into the Combines Bill last year, because I considered that the spirit and the intent of the legislation was that men should not unduly or unreasonably combine to enhance the price of any commodity; that it was not intended that combines should be deemed unlawful if

they did not unduly and unreasonably put up the price. Now that the words are in the Act I am not disposed to eliminate them, because if men do not unduly combine it is only right that they should have the right to combine. I believe that combines in capital, as well as in labor, are sometimes in the interests of the public. It may be in the public interest sometimes to restrict production by means of combination, in order that prices may be duly and reasonably raised. The price of labor, for instance, may be increased in that way in the interest of society. Reference has been made to the sugar combine and the refinery at Halifax. I was, unfortunately, interested in that institution myself. Owing to over-production and low prices the refinery had to shut down, and I lost some thousands of dollars. Common prudence would dictate at times that trade must be restricted within certain limits, and in order to restrict it, it may be necessary even to suspend operations for a time. Therefore, I do not think that it is wise to eliminate these words from the Act. I am sure that no prosecutions could be sustained where undue and unreasonable combination to put up the price could not be proved. Unless these two elements are proved, such a prosecution could not be sustained.

HON. MR. MCMILLAN—And it ought not to be sustained.

HON. MR. KAULBACH—Certainly not; therefore these words should be retained in the Act. If the object of the Bill is to destroy all combinations, then I believe we would be striking at the vital interests of this country; therefore I am opposed to this measure. The parties who have brought this Bill before us have not shown that it is impossible to bring the law into force. I do not know that it has ever been tried. All that was shown is that sugar refiners had entered into a combination with an association of grocers to put up the price of sugar, and to sell only to members of that association, and outsiders cannot get the sugar except at a higher price. I believe that is undue combination under the present law, and if they were prosecuted I have no doubt that a verdict would be rendered against them by the courts. I know that there is a feeling in this country that combinations exist that are not in the interests of the community, and it is well that this discussion should take place, for it is by discussion that some step may be suggested to check the evil if it does exist. If it is necessary to stop this or any other combination in the public interest, a jury would find against it if a suit were brought under this Act; and it is also evident that nobody would be punished before a court and jury for having combined if the combination was not undue and unreasonable. As regards the National Policy, although it is said that we are fostering bloated monopolists, we believed that competition would prevent anything of the kind—that things would come down to their proper level; and I believe so still, notwithstanding the statements of some hon. gentlemen to the contrary. No combination can exist in this country against the public interests—the public mind would become so exasperated against anything of the kind that if a suit were brought before a court and jury under the existing law a summary remedy would be applied. Therefore, I am disposed to sustain and continue the words "unduly" and "unreasonably" in the Act.

HON. MR. VIDAL—While I am extremely unwilling to say anything to disparage the speeches which have been made so very earnestly and sincerely by the hon. gentlemen from Quinté and Monck, I feel that the interests of truth require that I should make some observations on their remarks. It appears to me that long and earnest as those speeches were, and full of detail, I did not hear one single word of argument upon the question which is now before this House. Had there been a Bill before us to repeal the anti-Combine Act of last year I could have understood how all their earnestness would be stirred up and their eloquence enlisted to defeat the repeal of such an Act. But this House has recognized all the evils that these gentlemen complain of, and they have joined with the other House in putting upon the Statute-book a law to prevent and to punish these very things that they complain of. It looks as if they were setting up a man of straw in order to knock it down again, for neither of them has touched the question before the House, and that is, whether these words "unduly" and "unreasonably" are to be taken out of the Act in order to make it operative and effective. Surely the first thing we should ask

ourselves when we are invited to make an amendment to a statute of this kind is, is there some sound argument by which it can be made clear to us that the words are hurtful and do interfere with the carrying out of the law as we designed? Have you any such evidence before you? Is there any petition from any part of the country to show that there has been an attempt to suppress unlawful combinations, and that the attempt has failed, because of the fact of these words "unduly" and "unreasonably" being in the Act? There has been no such evidence produced before the House. We are not bound to wait for petitions to amend an Act, but I do say we are bound to have some good and sufficient argument brought to bear upon our action in order that we may act wisely in making any change in an existing statute. The hon. gentlemen have gone on to explain all the evils of combines. I am willing to assent to what they have said. The House has already passed a law and put it on the Statute-book to prevent or suppress these combinations, but the hon. gentlemen have failed to show us that in order to make that law effective and useful it is necessary for us to eliminate these words. There is not an argument used by the hon. gentlemen who have spoken in support of their proposition. My hon. friend from Lunenburg has spoken to the point, and has shown the desirability of these words being retained in the statute. Supposing the Bill were passed without amendment, in what state would it leave the law? The law as it is provides a punishment for any persons who unlawfully do any of these things. You will observe it must be unlawfully done—even if this Bill were adopted and the words "unduly" or "unreasonably" were expunged. It seems to me that there is very little difference between an unlawful Act or an Act done unreasonably or unduly. My belief is that if these words were not in the Act at all that any judge or jury trying a case brought under it to determine whether a combination was unlawful, would have to settle the question whether it was unduly or unreasonably done.

HON. MR. POWER—Then why are you so anxious to retain the words "unduly" or "unreasonably?"

HON. MR. VIDAL—Because they are there. We put them in last year after deliberate consideration.

HON. MR. McMILLAN—And because there is no reason shown why they should be taken out.

HON. MR. VIDAL—I have not yet heard a single reason advanced why they should be taken out. In committee the allegation was made that they hindered the Act from being put in force. What evidence have we of that? Has there ever been an attempt made to put it in force? Not the slightest; but because in the opinion of my hon. friends these words militate against the efficiency of the law they think we are bound to take their opinion and have no opinion of our own. The retention of these words in the law simply protects innocent and unoffending parties who combine together, and the result of that combination has no injurious effect upon the country. Without these words it would leave the working of the Act slightly ambiguous, and innocent parties entering into a combination might be found guilty by a court and be made subject to penalties when really the public interest was not affected by it at all. The words "unduly" and "unreasonably" were not inserted in the Act without mature judgment and deliberation, and I am certainly very sanguine that the House will sustain its committee in the action which they have taken in this matter, unless some good reason can be shown, or some evidence adduced to prove that the insertion of these words by us last year was a mistake, and we are bound to take them out. I think they were put in correctly, advisedly, with a good purpose, and we would be stultifying ourselves if we say, that because, the House of Commons desires to take them out we are bound to do it. I wonder that the hon. gentleman from Monck does not see the logical result of his arguments: The other House represents the people; therefore, their views should prevail. Follow that argument to its legitimate conclusion and what does it prove? That there is no reason for the existence of this House at all, because we do not represent the people, and that we have therefore no right to refuse to correct or amend a law passed by the Commons. The great reason for the existence of this Chamber is that it corrects legis-

lation which in its unbiassed judgment would be really hurtful to the public interests. We know that measures can be carried in the popular branch of the Legislature, where the person introducing them has a large number associated with him, sympathising with him and willing to help him, that are not to the advantage of the country. On several occasions such Bills have come to this House and we have thrown them out or amended them because, in our judgment, they were not in the interests of the country, although they had been carried in the other House by the representatives of the people.

HON. MR. DRUMMOND—I did not propose to say anything on this question and did not come prepared to discuss the general question, because, as has been so well pointed out by the hon. gentleman from Sarnia, the question of combines is not under discussion at all; it is really and truly a question of eliminating two words from the Act which we passed last year for the purpose of regulating and keeping under all combines, whatever they may be. Under these circumstances, perhaps, I would be entitled to say nothing whatever on the general question; but as it has been in spite of all this obvious irregularity, discussed by hon. gentlemen, both in committee and in the House, and as my name has been brought into prominence in connection with it, I will, with your permission, myself trespass a little beyond the legitimate ground to meet one or two points raised by the speakers who oppose the report of the committee. Every man in business must know that to discuss his own affairs in public is to the last degree disagreable, to say the least of it; but I have been pointedly referred to, and not only referred to with reference to various combinations, but have been, by the hon. member from Monck, pointedly addressed when he spoke of the impropriety of hon. Senators, who are interested, having any vote on this question. I shall set all this at rest by informing this House that I am not, so far as I know, in any combination whatever having any purpose of advancing prices, and that the only indirect connection I have with such combinations is the connection with the Grocers' Guild, in the sale of the article which is produced by the company of which I am president; and indirectly only to this extent, because neither I nor the company which I represent, have any pecuniary interest in the matter whatever, no pecuniary interest in the raising of the price of any article, so far as I know.

There is not amongst the refiners now, and there never has been, any combination whatever for the purpose of putting up prices. In fact, the refiners occupy the same relation to each other as the celebrated Kilkenny cats—we fight to the last for every bit of the business going—every wholesale dealer in the country knows perfectly well that that is the case. It would not matter one sixpence to me directly if the combination amongst the grocers were suppressed to-morrow. Indirectly I say it might, and I will give you the reasons for that: For the very reasons that induced the refiners individually to go into any association with the grocers' guild, for they are not in combination with them—was to protect the general interest of the trade, and not to the disadvantage of the country. We are interested in the solvency of our customers. That is an obvious duty which equally impresses every man in the business, be he merchant, manufacturer, or in any other capacity. Long before the National Policy was even dreamed of in this country, and since, it is a rule amongst merchants to regard with a keen scrutiny the solvency of those who purchase their goods and owe them money. The hon. gentleman from Quinté may laugh, but if he enquires he will find that that is the obvious duty of every merchant; and when the wholesale grocers came to us and declared, and produced proofs, that they were conducting the sugar portion of their business, not only without profit, but at an actual loss, what was our obvious duty, but to give earnest heed to the representations which they made to us. If that be not a rule of commercial operations, commercial in every sense of the word, I do not know one that exists. I know many merchants, not manufacturers, but merchants, who, if they detected a customer selling goods below cost, or even at cost, would not hesitate to strike him off their books and refuse to sell him any more, under the grave doubt that he would long continue to pay his debts. If the Grocers' Guild came to me and made the representation I state to you

now, what was my duty? I believe, myself, that in acceding to their demand that a fair and modest profit should be part of their award for the business of distributing my goods it was my duty to give a very careful consideration to their demand, and to that extent alone has any combination which I have had to do with them gone, and no further. As I have already said more than once, not one sixpence worth of interest pecuniarily have I in that matter at all. Now, supposing I had said to the grocers: It is your business to conduct your own affairs just as you please; it is none of my concern whether you make money or not, what is the alternative held out to me? With a singular unanimity they said to me: "We will go out of the sugar business altogether—cut it off as a branch of our business, and leave the distribution of it to the refiners and manufacturers." Now, I tell this honorable House what are the facts in reference to that. The grocers stated precisely to me what the extent of their wishes in regard to profits were, and I am informed by them that as the working out of that agreement, the whole of the profit on the distribution on the sugar business of the country does not exceed 2½ per cent., which, I consider, does not exceed a reasonable commission. But when I tell you that the Sugar Guild arrangement applies to only one-third of the sugar business of the country—to the white sugar, of which only one-third is produced and sold in the country—you can understand what the total advance to the public is. I heard an hon. member who is also in the business to-day tell you that 1½ per cent. represented the profits of the sugar business. I can assure this honorable House that if the Sugar Guild had never undertaken to distribute any sugars, had the wholesale grocers never distributed any sugars, and left it to me, I could not have distributed it for as small a rate of advance or as cheaply as the Grocers' Guild do. It could not have been distributed by the refiners at that margin, and the result would have been that it would have cost the consumer a higher price than he is actually paying for it now.

HON. MR. DEVER—Do you not see that the cause of that is the restricted quantity of sugar manufactured in the country. If the country was opened for importation, would the wholesale dealer be under the lash to you or any combination?

HON. MR. DRUMMOND—If free trade existed, and there were no sugar refiners in this country, if any truth is told by the dealer in sugar, they would secure a higher margin of profit than they do now.

HON. MR. DEVER—Open competition would keep it down.

HON. MR. DRUMMOND—Open competition never had that effect, and I am constantly met with the argument that if it were not for the fact that sugar is made in this country and sold at prices that are known to everybody, the importers could have much higher profits by importing from abroad. I do not state that of my own knowledge, because I do not know it personally; but I tell the hon. gentleman that this statement is made to me by reliable persons. I have, as already stated, no pecuniary interests in this question at all. In my opinion the expenses of distribution are very moderate, and if the wholesale grocers did not distribute my sugar it would cost the consumer more to have it done by special organizations. I think I have said all that is necessary on the sugar business, but at the base of all the arguments on the general question lies this fact, which was admitted by Mr. Wallace himself, in his arguments before the Committee on Banking and Commerce. He laid down the proposition, and I do not wonder at it (because it is obviously an undesirable proposition), that he did not suppose that anybody did business for nothing, but that they must make a reasonable profit to live. He admitted that before the Banking Committee, and it did credit to his sincerity as a man of business. Now, if that be so, if a reasonable profit is an absolutely essential element of business, and nobody will deny that it is, I can tell this honorable House what the opposite feature of it is. The first effect of excessive competition is to lower the price of the article competed for, and it invariably results in the ruin and elimination of the weaker men who are engaged in the business, and in making to the public the last evil worse than the first, by enhancing prices.

HON. MR. DEVER—I deny it.

HON. MR. DRUMMOND—Now, if it be so, and by the law as it stands a combina-

tion to raise the price of an article is unlawful, by the common law, this Bill does nothing. If it be necessary, as we, after due deliberation last year asserted, to insert in the law that the combination to be unlawful must be "undue" and "unreasonable," we place ourselves in this position: The word "reasonable," as I pointed out, at the Banking and Commerce Committee, and it was the only observation I made before that committee—occurs in many Acts which both Houses of Parliament have passed in recent years. In the Bills of Exchange Act we are told repeatedly that delay in various provisions must be reasonable, and when I put the question which I did at that time to the hon. leader of this House, how "reasonable" was to be arrived at, I was informed that it would be the business of the courts to decide what was reasonable or unreasonable. Why not leave this matter also in the hands of the courts? I say it is not flattering to the judiciary of this country that hon. gentlemen should be so apprehensive that if a case is brought into court under this Act they will not receive due justice. I think the probabilities are in favor of receiving due justice, even strained a little on the side of the public, because we know that the sympathies of the judge and jury are on the popular side, and would probably be, if allowed to prevail at all, in that direction. I consequently think that the words "unduly" and "unreasonably" are only the protection that we are bound to receive at your hands—I speak of men in business of all kinds, because the operation of the law is likely to be much more far-reaching and much more widely applicable than you apprehend at first sight. I take it, if the Bill without these qualifying words became law you would find pulled into your net a much larger variety of fishes than the originator of the Bill ever dreamed of or intended. I do not know that you could go down to any public market in any large city without finding a singular unanimity with regard to the prices, and the same way with regard to the prices of butter and eggs, and tnough you might not prove that there was a combination amongst the sellers, there would be the feeling that something of the kind exists, which might bring all concerned into the meshes of the law. How would these men like to be hauled before a court, and charged with and convicted of a misdemeanor, rendering them liable to imprisonment for two years? The few words I uttered before the committee the other day were simply dealing with the question of similarity of the application of the word "reasonable" in many Acts now in force with the same words in them. I maintain that the keeping of these words in the Act, inserted after careful consideration by the Senate last year, is a duty which we owe to the public at large and to the Senate itself. The wildest possible assertions have been made with regard to profits, and all that sort of thing, but it certainly does not appear to me that they need be dealt with at all—they carry their own refutation. I have no reason to complain of the general course of the discussion on the other side, except in one particular, and there, I believe, that the hon. member from Monck was a little unfair. He said a good deal which, if it bore any construction at all, bore this construction: That his side of the House had been unfairly treated before the Committee on Banking and Commerce. Now, that committee, under the able presidency of my hon. friend from Sarnia, was scrupulously careful to interpose not the slightest obstacle to an expression of opinion, in the widest possible sense, on the part of every witness who came before it. Not only so, but having laid down in advance, as he did, that the discussion should be restricted to the absolute facts of the case, he, with the greatest possible liberality, allowed it to branch off into every conceivable subject, and to deal with the general question. Not only that, but there never was the slightest intention, I am sure, on the part of any member of the committee, to deny the request which was made by the hon. member who who took charge of this Bill to postpone the consideration of the question for another day, although that postponement caused a great deal of inconvenience to many members on the other side. Consequently, beyond complaining of that, which I think was quite unjustified, I have nothing to say. But we have been told repeatedly that this Bill comes from the House of Commons unanimously passed by 215 representatives of the people, and therefore we must receive and pass it. Now, a member of the House of Commons—I do not state it of my own knowledge—tells me that the Bill was got through by something little short

of a surprise—that at the time of its passing there were not more than sixty members present—that it was by a fortuitous combination of circumstances that it was reached on the Paper when many members who were prepared to speak against it were absent, and consequently it is unfair to speak of the Bill having received the unanimous support of the House of Commons. I think, however, if it had, that this Senate is bound—bound by the very fact that it is irresponsible in a certain sense—to treat the question on its own merits, without reference to the fact whether it was unanimously passed by the House of Commons or not.

HON. MR. FLINT—I am not in favor of combines, and never have been. I never entered into but one, and that was soon broken. In reference to the words which we are asked to throw out of the Act, I do not see that it would be any great injury to leave them in. It might give satisfaction to the promoter of the Bill in the other House, and from what I have heard, probably, satisfaction to the country to strike them out. My hon. friend from Toronto gave us his views on the sugar question. I do not disagree with him so much in reference to that article. For my part, I know something about business, and have sold a vast amount of sugar, and in the 61 years that I have been in business for myself I am confident that I have never made $10 out of selling sugar. If the sugar combine does not make more than that I am sure its members will not get very rich. However, it is possible they may be making more. If they are, I want them to have a fair profit. I think everyone should have a fair profit in his business, but it happens particularly in the retail business that some articles have to be sold for just what they cost in order to keep up with other merchants who try to undersell. So far as the sugar question is concerned, I could more fully agree with the hon. member from Toronto and others who supported his side of the question on that than I could on other points. In reference to salt, my hon. friend from Toronto gave us some information. I happen to know something about salt. I remember when it was sold in the town of Brockville for $12 a bushel. That was during the war of 1812-15, when it became very scarce. After the war we began to get salt from the United States. Up to that time all the salt came from Great Britain. Prices fell until they reach $2 to $2.50 a barrel at Brockville, a duty of 50 cents being put upon it. In 1829 I went to Belleville to do business, and found on arriving there that salt was sold for $6 a barrel. They were selling flour at $2.50 per barrel, and it took two barrels of flour and $1 in money or 2 bushels in wheat to get a barrel of salt. I took a small quantity of salt with me on the steamer from Brockville, when I went up, waiting until I could get some over from Oswego. I commenced to sell it at 14 shillings a barrel and gave them a barrel of salt and 6 shillings in cash for a barrel of flour.

HON. MR. ABBOTT—That was York shillings?

HON. MR. FLINT—No; it was not York shillings. I went into my father's store in January, 1816, about three weeks before I was eleven years old. We had an old-fashioned high counter, and I had to get up on a chair when I wanted to weigh anything. About the first customer that I waited on was an old lady who wanted a pound of tea. I saw her slip a 2-ounce weight on the scale, and I got mad and told her not to do it. She said I was a liar, and we had a little quarrel, so my father had to come and give her the tea. At Belleville I sold salt at 9 shillings a barrel for 18 months and that was less than it could be laid down for from Oswego, but I had got a lot cheap, and had a chance to sell it at that figure. I sent for more, but unfortunately the navigation closed and the salt was sent to Kingston, and I was out on that transaction. That was my experience of salt at that time. With reference to the salt trade: I say, and say it advisedly, that no maker of salt could afford to sell at the prices that it has been sold for heretofore. When salt was sold for 90 cents to $1 a barrel in Belleville, after having paid transportation on the Grand Trunk Railway, I am sure there could have been no profit. The price has gone up; whether it has been advanced by a combine or not, I do not know. I am told that there is one company that buys all the salt at a certain rate—70 cents a barrel. I know what it costs me to get a cargo from the works—36 cents a barrel. It costs me laid down $1.41 per barrel, and I am

selling it for $1.50 per barrel. This is not a large profit. Taking out the 36 cents for freight, it left the price $1.05. Whether they are making money on that price or not I do know, but I think they could not afford to keep up the industry and sell it for less than $1 per barrel. Some reference has been made to combinations of working men. I think the fact that labor is combining these days arises from the existence of other combines, and I feel that if I could not do business without being under the thumb of a combination I would not do it at all. I have employed many men in my time—sometimes as many as 300, and I have never had a quarrel with them, but now you cannot do anything—you cannot build a house or do any other work without having a combination at the back of it. I think that is wrong. Then my hon. friend spoke about cheese. It may be said that the farmers combine together to produce cheese, but, after all, it is not a combine for extorting an excessive profit. The cheese trade of Canada is a wonderful industry. It stands second to none. Not many years ago we imported all our cheese from the United States; now we export it, and the Americans are very glad when they can get their cheese into this country and have it shipped as Canadian cheese, because ours is better than theirs. The feed for our cattle is better and stronger than on the American side. The further north we go the more nutritious are the pastures. You can obseve it as you travel north from Belleville. Every ten miles you go back you can see an improvement in the quality of the stock. If the feed is better it gives more nourishment to the cattle, and the result is better cheese and better butter. Some reference has been made to Mr. Matthewson, of Montreal. I have known him for many years and I believe him to be one of the most honorable leading merchants of Montreal. If he refused to enter into the combine he had a perfect right to do so, and I do not agree with my hon. friend from Toronto, that if he loses on sugar he makes it up on something else where it cannot be detected, because Mr. Matthewson is not that kind of a man. I do not believe there is a more upright, honorable man in business in Montreal, than Mr. Matthewson. I now come to wheat: there have been combines in wheat. The only combine that I have ever had anything to do with was in reference to wheat. That was in March, 1831, at Belleville. I was going to be absent about a week on a visit with my wife and sister. It was well known that I was going away, and I was invited to a meeting at a public house opposite my establishment, and I went over to see what was up. It was a meeting of merchants to settle the prices of grain. We then were paying $1 a bushel for wheat. A chairman and secretary were appointed. and it was agreed that the price should be $1 per bushel, with the understanding that there was to be no change made by any merchant without first giving notice to the secretary, and his giving notice to those merchants who were buying. I left in the morning, but after I got out half way on my journey, and when I was taking dinner, I thought it was best for me to return. I sent my wife and sister on and returned, but I took good care not to go back into Belleville until 9.30 at night. Before entering the place I took the bells off my horse and wrapped them in my buffalo skin to prevent them making a noise. When I went into my store I found the clerk was winding up the business of the day. I asked him: "What about wheat?" He said: "We have not bought any to-day. They were paying 5s. 3d." I said: "Mark it on the board that we are paying 5s. 6d." Next morning two of the merchants walked in and said to the clerk: "What, are you giving 5s. 6d. for? We agreed to pay 5s." I met them and said: "You are the ones that are putting up the price. It is 5s. 6d. to-day; to-morrow it will be 5s. 9d., and next day 6s." I did not buy any at 6s. I sent every one that came in to sell over to the others, and not one of those merchants who paid such a price made anything. None of them lost less than $300, and two of them who worked together lost $3,000. I had forty thousand bushels of wheat in different storehouses which cost me 4s. 7½d., and I sold that in Montreal at 7s. 5½d. What was left over I sold for 6s., so they did not make much out of their scheme. I have a mill, and two years come September I got it started. The millers around me were offering 90 cents for wheat and asking $6.30 for flour, the purchasers furnishing their own bags. That was a very great difference. I commenced and paid $1.00 for wheat and sold flour for $5, and made money on it. These men were getting their wheat from Toron-

to by car. They were paying as much in Toronto as I was paying at my mill, and they got the price up to 95 cents, and the object was to take out of the farmers the 5 cents it cost them to get the wheat down to their mills. I say that was unfair; it was a combine against the farmers at once. I ran out of wheat, or nearly so, and went to Toronto, and what did I find? I found that I could buy plenty of wheat, but I could not get it down to my place without paying 8 to 9 and 10 cents a bushel, while the millers combined and got it at 5; but I was told: "If you go and join the Millers Association you can get it at the same rate." I said: "No; I will do nothing of the kind; I will take the wheat and pay the price, and lose the difference rather than do anything of the sort." I had several invitations from the Millers Association to go and meet them, but I would not go. I do not believe in such things at all. I do not care what the combine is, whether it is sugar, salt, labor or anything else, I think it is altogether wrong. Now, as to the farmers, I do not think it is possible for them to make such combines: I know enough about them. I was brought up on a farm, and I have dealt with farmers, and I call myself the farmers' friend, and feel it my duty to do all I can to help them, and perhaps I have done so to my own injury pecuniarily. It is a matter of no consequence whether a man has much or little, so long as he goes through the world right and comes out right side up in the end. My hon. friend from Monck gave a shot at the cold water men. I think he was wrong there. He should never have brought that into a combine. I am a cold water man, and I glory in it. If I live until the 19th day of next June I shall have been 63 years a total abstainer from all intoxicating beverages. Sooner than I would sell or drink a glass of liquor I would let my hon. friend take off my right hand. That is my principle, and I act upon it. Whenever I start upon a thing I mean to carry it out, and I mean to do so in this case, by voting that the Bill be placed on the Orders of the Day. I do not believe in taking an extravagant price for anything I have to sell, or giving an extravagant price for anything I have to buy. If anyone tries to impose upon me I let him severely alone. I am trying to do my business in such a way that when I lie down at night I can feel at ease and go to sleep with a good clear conscience.

HON. MR. THIBAUDEAU—I think that one more voice should be heard from the Province of Quebec, and as representative from that part of the Dominion I think that you will allow me to say something on the subject. Politics sometimes tell strange tales. A majority, I believe, of those who are now advocating this amendment to the existing laws have not always shown such tenderness for the consumer. When the high tariff was imposed upon this country those hon. gentlemen said very little about the consumer. The National Policy, however, induced capitalists to invest largely in manufacturing industries in this country, and it seems strange that, having brought about this condition of affairs, a Bill should be introduced to legislate against the very class for whom we legislated in 1879, and who, under that legislation, have invested largely in establishing manufacturing industries in our country. In the Province of Quebec, so far, the business arrangements which some hon. gentlemen speak of as combines have not been looked upon as combines, but as arrangements for the protection of the capital that we have ourselves induced capitalists to invest in our country. We should have no class legislation: there should not be legislation entirely for the consumers, but legislation which will be equally beneficial to the consumer and to the manufacturer. In the Province of Quebec we have had combinations. We have had a combination, for instance, of the cotton manufacturers. It has been more beneficial to the thousands of hands employed in the cotton factories than to the shareholders. This combination, or business arrangement, as I call it, was not made with the idea or increasing profits, but to keep the mills going and the hands employed. At times they have been obliged to discontinue night work entirely, because they can ascertain whether stocks are increasing or diminishing, and where they found the stocks so large that it was unnecessary to produce so much, they reduced the hours from 10 to 8, and sometimes had only five working days in the week instead of 6. Will anybody tell me that such an arrangement was not more favorable to the hands than if the mills had been closed for three or four months, throwing a number of hands idle upon the streets, with no choice but to beg, or steal, or go to the United States? I believe

that, in such cases, combines are beneficial to all, and more particularly to the employés, because when the manufacturers are running their establishments on short time the hands at least earn enough to live upon. They may have to do with a little less drink, but at least they can provide food for their families. Take another subject —the insurance business. The insurance companies of this country are combined—why? For the benefit of the citizens themselves. How could the insurance companies enforce their rules for the proper construction of buildings, so as to diminish the danger of fire, without such a combination? How could they force those who use boilers and steam engines to pave the engine rooms with asphalt? How could insurance companies compel builders to insulate electric wires? I know of houses that have been burned down because the electric wires used were the wires for bell-hangers. The insurance companies have not only protected themselves, but they have protected the community—they have protected the owners of houses and their neighbors from large conflagrations, by forcing builders to use proper precautions in putting in wires. Unless such precautions were taken, the companies combined not to insure them, and this combination is beneficial to the people they insure. Take railways: many of our citizens are more or less shareholders in railway companies. It is well-known that the railway companies settle rates and make business arrangements among themselves, and that is called a combine. How could you expect railways to run in this country if, by such sweeping legislation as this, they were allowed to cut rates and destroy each other? If our great trunk lines did not pay, you would not find English and American capitalists investing so largely in our railways and opening up our backwoods to settlement. Take marine insurance: the companies combine and pool rates and risks, and that part of the business could never be done without such business arrangements, so that the legislation that is sought here to-day is simply legislation that would destroy important industries in this country and deter capitalists from investing in large enterprises. If this Bill should become law manufacturers could not agree among themselves in the dull time to curtail operations and reduce production in such a way as to keep their hands employed without overstocking the market. I remember the time when there was an outcry against making this Dominion a slaughter market for United States manufacturers. If we do not protect our own manufacturers, do you think that they will not slaughter in this market? They will slaughter worse than the Americans ever did, and, therefore, I think it is the duty of this House, after having induced capitalists to invest in this country, to protect them. If we had no legislation on our Statute-book to prevent undue and unwarrantable restrictions on trade I would certainly ask for such legislation, but we have an Act which meets the case. Is there any combine in the sugar industry equivalent to the great New York sugar combine? If so, it could be dealt with under this law, but no such combine exists in Canada. Let any hon. gentleman who spoke in favor of this amendment show a single case where a combine has been unduly and unreasonably carried out, and I am sure that our judges, to whose discretion it is left entirely, will punish them in the courts. But if you erase these two words from our Statute-book you actually place the large capital that we have induced people to invest in this country at a disadvantage. Large factories have been erected under our legislation and thousands of men have been induced to abandon the cultivation of the soil and earn their living in the factories; yet we are asked to withdraw protection from this class of people. You may, by strict legislation against combines, favor the farmers a little. I admit that, but when you were so hard on the farmers as to adopt the National Policy I do not see why you should be so tender in dealing with them to-day. It is no reason, because you hit them hard before, that you should now hit the manufacturers, who are the very life and soul of our large centres of population. It is very strange that in the Province of Quebec—I speak especially of the district of Montreal, where the largest manufactures exist—that nobody complains, not even of the sugar combine. It would look as if in Ontario people were more anxious to work an election dodge than anything else. I believe I am speaking pretty much the voice and the sentiments of the district of Montreal in saying that the Province of Quebec wishes that the law relating to combines

should remain as it is now on the Statute-book.

HON. MR. HAYTHORNE—Under the very particular circumstances in which this Bill has come before us, on this occasion, considering that it has come from the House of Commons with a unanimous vote asking this House to review its decision of last year, I certainly feel that it is incumbent on me to make some few observations on it. I am not one of those who think that the Senate is bound to concur in all the demands of the other House. It is one of our reasons for being here that we should stand in the gap, when a proper occasion occurs, and afford time to the community to study a doubtful measure before we give our final decision upon it. As to these two words about which so much has been said, I consider that last Session, when they found their way into the Act, we allowed them a place there as a kind of experiment. We were not sanguine as to the result. Many of us were doubtful as to their fitness, and it was simply an experiment to see whether the views of all parties could not be met by their introduction. It seems to me that both of these words are ill suited to the position they are paced in. The hon. gentleman from Montreal, in his address, stated that he had found them in various Acts of Parliament. I do not doubt the correctness of his statement. I recollect myself where the word "reasonable" is found in connection with the word "intendment," but I think "unduly" is an unparliamentary word. I do not feel that I should be at all acting inconsistently in refusing my consent to the continuance of these words in this Act for which I voted last year, nor do I consider that the bond of which the hon. gentleman spoke is at all binding on this House. He speaks of the Senate being bound by the fact that we placed these two words in the Act last year, and that we are bound therefore to continue them there.

HON. MR. DRUMMOND—I do not think I said that.

HON. MR. HAYTHORNE—Of course, if the hon. gentleman disclaims it I will not press it, though I took his words down as they fell. I think the hon. gentleman spoke of the Senate as being bound; however, let that pass. I would not consider any such thing binding on me. If the words are not properly there, either amend them or remove them altogether. As to the arguments brought forward in their favor, I wish to make a few remarks. I listened with great pleasure to the address of my hon. friend from Quinté division. There was no want of precision about his remarks. What he said did not bear a double meaning by any means, and I think it was a very useful and very suitable address to meet the occasion; but I did expect before this debate closed, and before many of the gentlemen who are supposed to have an interest in manufacturing sugars and other articles in Canada addressed the House, that we should have heard a more complete disclaimer in connection with combines than we have yet received. I give the hon. gentleman from Montreal perfect credit for what he said. I accept his disclaimer just as far as it goes, and no further. He said there was no combine amongst manufacturers with a view to keeping up prices, but that is by no means all that the manufacturers were charged with. If I accept his disclaimer of a combination amongst sugar manufacturers for the purpose of keeping up prices he must permit me to remind him that he also acknowledged a connection with the Grocers' Union. Now, consumers of sugar are not very apt to make nice distinctions, and if the acknowledgement is made publicly between gentlemen known to be connected with the manufacturers and those to whom they sell, the public very naturally come to the conclusion that they are all in the same boat. I wish to make a few remarks upon the position in which the manufacturers of different kinds of sugar, manufacturers of cotton, and other manufacturers, are placed under the National Policy of Canada. What privileges were they promised under that great measure? They were promised a certain amount of protection by law; they were promised a monopoly of the Canadian market, so far as they could maintain that monopoly by means of the protective duty which was laid upon the importation of foreign goods. There was no absolute monopoly promised them, but only such a one as they could by their good management and their skill secure with the duty which was laid upon these articles if imported from abroad. But it never was suggested that importations from

abroad should cease. That was the last resource which the Canadian public had in case there really happened what is generally believed has happened—that is to say, that manufacturers would combine together to keep up prices and control the market. That was the anticipation, and I recollect well that the time these measures were before Parliament almost every gentleman on the Liberal side of the House anticipated that such an event would occur, an attempt to keep up prices by combination between manufacturers, not of sugars alone, but of other articles. That was flatly denied, and we were told that there would be home competition sufficient to prevent any possiblity of a combination between the different manufacturers. I very much doubt if that can be said to have resulted as was anticipated. I believe myself that there has been some sort of combination between the manufacturers of sugar and the grocers. But what I think was wrongly laid to their charge by the hon. gentleman from Quinté was this : that they took a further advantage than what was afforded them by the tariff of Canada to keep down competition from abroad. If I mistake not, the hon. gentleman said that if any independent dealer in sugar, a man of perhaps a little more than ordinary push and means, should find that the price of sugar abroad was such that he could import it, pay the duty and sell it in Canada for less money than he could obtain the same article from the manufacturers here, that that would be a fair speculation, but that the manufacturers had taken measures to prevent any such venture, by intimating to the importer that he could not avail himself of two markets. Am I correct ?

HON. MR. READ—No ; what I said was this : that under the rules of the combine a person that did not enter the combine could not get the same advantage from the refiners as those who did enter the combine; and that the duties were such that he could not buy in a foreign market and compete with the refiners.

HON. MR. HAYTHORNE—There is not much difference between my hon. friend's statement and mine. The cases in which the merchant could go to a foreign market were few, but some there were, and it is the talk of the trade in the Province from which I come that any man who availed himself of that shut the door of the manufacturers against himself. That soft impeachment has not been denied.

HON. MR. DRUMMOND—Will the hon. gentleman permit me to deny it utterly, as far as I know.

HON. MR. READ— Does the hon. gentleman deny that his company declined to sell to Mr. Matthewson, of Montreal, at the same price as to other dealers ?

HON. MR. DRUMMOND—That is not the question at all. That question, as I understood it, is, that there is an arrangement whereby if any person imported from abroad. the refiners refused to sell to him, and I gave it an explicit and entire denial,as far as my knowledge is concerned.

HON. MR. HAYTHORNE—When the Parliament of Canada gave such large concessions to the manufacturers whom they expected to set in motion by means of the National Policy, they never contemplated that the doors should be closed against the importation of foreign goods, or that measures should be taken to punish men who availed themselves of foreign markets. They certainly never contemplated such a state of things as that. It might be the case that in the early experience of sugar manufacturers in Canada there would be an absolute scarcity of sugar, and to say that any man who ventured to import from abroad for himself, or for his own business, should be punished by the home dealers for what they estimated a crime, is, I think, going far beyond all privileges which manufacturers were allowed by Parliament.

HON. MR. DRUMMOND—I have already told the hon. gentleman that it is not a fact that any such arrangement ever existed. I never heard of it, and the only way in which the home manufacturers can prevent importation is by selling sugar cheaper than it can be imported for.

HON. MR. HAYTHORNE—In general you do, but not always.

HON. MR. DRUMMOND—Always.

HON. MR. HAYTHORNE—I am sure the hon. gentleman does not suppose that I have invented anything of the sort. It has been the talk of the country, and has formed the subject of leading articles in

leading newspapers of Canada, and I for one would be very glad to find, if the hon. gentleman says so, that there is not a shadow of foundation for it at all—that the manufacturers have never punished anybody.

HON. MR. DRUMMOND—I assure the hon. gentleman that it is so—that I never heard of such a thing.

HON. MR. SMITH—It is not true at all.

HON. MR. HAYTHORNE—All I can say is, that in the Province from which I come bags of sugar find their way there occasionally, which do not come through the hands of the combine or through the refiners at all, and they are very much sought after, and they do sell there for about the price of granulated. I have used them myself frequently. Now, to enter upon some of the arguments that have been used in defence of the manufacturers, it seems to me that to attempt to identify farmers and dealers in hay and butter, and such articles as are brought to market by farmers, with combinations amongst themselves, is a complete failure. The hon. gentleman spoke of hay, and asked if farmers did not combine in the hay market to keep up the price. He must be aware that there is as much difference in the qualities of hay as there is in the grades of sugar. A load of clover hay and a load of timothy hay are two different articles, and to say that they always have the same value would be absurd. It is the same with regard to butter.

HON. MR. DRUMMOND—I simply used that expression, not by way of condemnation of any such arrangement, but as a proof of how this law, if these words "unduly" and "unreasonably" are eliminated from the Act, would operate. I was led to infer that it might operate against an arrangement which was very common, and very simple and very blameless, in a very cruel way. That is my argument.

HON. MR. REESOR—Read the sentence as it is, leaving those words out.

HON. MR. DRUMMOND—"To prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supplies of any such article or commodity, or in the price of insurance upon person or property." That was the original clause of the Bill, and I infer that under that clause such a simple arrangement as I have spoken of would probably bring the farmers under the meshes of the law; and my argument, if it were good for anything, would be to prove the injustice that such an interpretation of the law would lead to.

HON. MR. HAYTHORNE—I am not quite sure whether it was the hon. gentleman from Montreal who spoke on the subject of co-operation, but it does seem to me if you cast any reflection on the co-operation of the agricultural classes it is an exceedingly unwise thing, because all the greatest results which have been obtained in Canada have been obtained through co-operation.

HON. MR. DRUMMOND—I said nothing on that subject.

HON. MR. HAYTHORNE—I did not charge the hon. gentleman with using these words, but one of the gentleman who spoke on the other side of the House did. Will any hon. gentleman pretend to say that such success as has attended the manufacture of cheese in Canada could have been obtained in any other way except through co-operation? I do not believe there is a gentleman in this House who would be bold enough to stand up in his place and declare that it would. We know very well that Canadian cheese has gone into competition with the best American and defeated it, and we know that in Europe, where it is rather a novelty to use new cheese, Canadian cheese has found a market there, and when we find that co-operative work can be a success in Canada we are not claiming to build up an article sold exclusively to Canadians, but sold to foreigners, thereby conferring on this country the valuable boon of having an article to export of ready money value. Now, that is just about as important a boon as can possibly be conferred on agriculture in this country, and to speak slightingly of co-operation for producing so desirable a result I think may be stigmatized as being rather short-sighted.

HON. MR. SMITH—I did not speak slightingly of that co-operation. I said it was necessary on many occasions to have these co-operations, and that I approved of them to a certain extent. You are

deviating a little from what was the exact statement.

HON. MR. HAYTHORNE—Co-operation is one of the things which gentlemen who are a little younger than I am may perhaps hear a good deal more of in the course of their lives, for it seems to me likely to be one of the coming questions of the day and having a larger meaning than is applied to it now. When the principle of co-operation comes to be more generally applied to our dealings with each other and with foreigners we shall then begin to see the importance of it. Before I resume my seat I should like to refer for a moment to the question of sugar. I did not happen to be in the Committee on Banking and Commerce the morning that the witnesses were examined in 1888, when Mr. J. A. Matthewson was sworn and was asked the question :

"Q. You know that this arrangement still exists? A. I know it exists, and it existed in 1886, when I refused to submit to the combination—this conspiracy, is hardly the term for it. I see there is a strong idea abroad that the refiners were not associated with this thing. The thing would not have lasted one hour if the refiners had had nothing to do with it.

* * * *

"Our prices have been raised ever since the combination started, and it is to the advantage of the refiners, and they have lowered the quality of the yellow refined sugar; the quality never was lower than it has been or was till the end of the year. We never had such a poor quality of sugar, and the retail grocers throughout the country will confirm the statement; we never had such an extremely objectionable quality, and sticky."

I do not insist upon these statements with regard to sugar refiners. I think we have elicited from the hon. gentlemen opposite that if the combines exist at all they exist in a form much more modified and much less injurious than was generally believed; but that the sugar trade is conducted upon a reasonable and fair basis I cannot think is the case, judging from the fact that sometimes sugar has been exceedingly low in the old country, and but for the National Policy and the sugar factories of Canada consumers in this Dominion might have reaped all the advantages of it. They find in this purchase of cheap sugar that they are generally paying about double the price at which sugar is sold in Europe. I know quite well that I will be told that the sugar business in Europe has been abnormal for years past, in consequence of some foreign countries, especially Germany and France, giving what is practically a bounty upon home-manufactured sugar. I do not believe that they actually pay out the money to the manufacturers of refined sugar extracted from the beet root, but they manage their business something in this way: Beets are received in the factory and weighed by a Government inspector, and a duty is charged upon that per 100 pounds, which is refunded on proof of the export of the manufactured article—another way of giving so much per 100 pounds of a bounty. Any quantity of sugar which the manufacturer can extract from that given quantity of beet root upon which duty has been paid in excess of the duty is supposed to be his profit, and that is the system which has so broken down the English refiners. I have spoken on this subject with more than usual interest, particularly because I am myself a native of a city which at one time was one of the first sugar refining depots in Great Britain. The sugar refiners there were owners of estates in the West Indies, owners of fine oak-built ships, in which they brought their sugars home, and sent their supplies abroad, and owners of the refineries in which the sugars were treated. Under the old régime refiners grew rich. But all these things have changed now, and the old merchants and plantation slave owners have given place to another generation, and that generation are scientific men, who learned new arts in sugar refining. They made fortunes, but they were afterwards broken in their business, and their fortunes in a great many instances disappeared by the introduction of bounty-fed German and French sugars. These are details which perhaps are not relevant to this debate, but I must say, returning to the words which are considered so objectionable in this committee, that I have no scruples whatever in eliminating them from the Act. They come here unsupported by any interest from the other end of the building, and I think that the Senate is as free as free can be to use its own discretion whether they will continue them in the Bill or not. Remember that they were placed there tentatively. It was a mere experiment. They are not words which are generally found in Acts of Parliament. They are unpractical words, and ill-suited to the object for which they were adopted, and we should eliminate them or substitute others.

HON. MR. PERLEY—I am a young member of this House, and I desire on all occasions to treat every hon. member with that courtesy and gentlemanly treatment to which he is entitled, and I wish to say now that this afternoon I may have been a little rash in the remarks I made to my hon. friend across the House. But if I was, it was because I thought he was bringing up a matter that took place in the corridor, and that I was being misrepresented. However, if I used any improper language on that occasion I may say I am sorry for it, because I do not desire to do anything that would tend to detract from the honor and dignity of this House. I did think that the hon. gentleman, in referring to the members of the other House, was rather discourteous and unkind and, perhaps, that led me to express the feeling I felt. I think it is our duty here to guard and look after the interests of the people of this Dominion impartially. We are here, not by the popular voice of the country. We are here supposed to represent the interests of the country as a whole, and we are here as nominees of the Government, because the Government supposes we are men who are able to represent the best interests of the country, and that we have those interests at heart. For these reasons I feel more anxious to give that care and attention to all measures that come before Parliament that their importance demands, because if I had to appeal to the people for my seat I would have a check on my conduct that would necessitate my giving that care and attention to my parliamentary duties that the country expects. I feel that the same responsibility rests upon me as a Senator—that if I wish to keep in touch with the people of Canada, I should be in sympathy with them. I am one of the members of this House who was a strong supporter of the National Policy. I used every influence, when I formerly resided in the Lower Provinces, to encourage and support the Government in the enactment of what is known as the National Policy. I am more than a protectionist. I would advocate almost a prohibitive tariff, if I considered it an advantage to the country, but that idea has been knocked clean out of me. I had that idea before I went to the North-West, for I felt that in a small country like Canada we should foster our own industries, and that it was necessary to have a strong amount of protection to establish native industries and build up our country, and make it the great and powerful nation that I still hope to see her. I found, when canvassing for the National Policy, that I was met with the argument that prices of home-manufactured goods would increase, that a few men would become millionaires at the expense of the many. My answer was that there was some force in the argument; that the disposition of all manufacturers was to get all that they could out of an investment, and that they would not manufacture at the start as cheaply as they would ultimately, and consumers would have to pay a higher price for a time; but we looked forward to the future when better facilities for manufacture and close competition would bring the prices of all articles down to a proper level. We experienced the high prices that were predicted by gentlemen on the other side of the question; I have experienced them myself. I know what I had to pay for agricultural implements in the North-West, in consequence of the newness of the National Policy, but what are we now met with? We are now met with monopoly to still keep up the high prices, and the argument that I advanced that over-production would keep down prices is killed at once, because we have undertaken to maintain and sustain a monopoly in this country which I know has for its purpose the keeping up of prices beyond what they ought to be. For that reason, I am strongly opposed to any system of monopoly. We have a law on the Statute-book now, but it is rendered inoperative by the words in question now before the House. The object is to handicap the law so as to make it impossible to put it in operation—and to prevent ordinary men with ordinary means from undertaking to enforce the law as it should be enforced. That is the reason I say that these words should be struck out, and the law made as forcible as possible. My hon. friend complains that we have not stuck to the question before the House. I tell hon. gentlemen that the country will not tolerate a system of combines. It is against our prosperity, and will take any nation by the throat that countenances any such system, and no honest or patriotic man will stand up in Parliament and assist in

handicapping those who are trying to enforce the law against combines in this country. These combinations are unhallowed alliances that should not receive the sanction of Parliament. Talking about sugar, I went the other day, because sugar up in my country is worth 12 or 13 cents a pound, and thought I would try down here to buy a supply to take with me. I priced some sugar, and asked the merchant if he could not quote me a lower figure. He told me the prices of two kinds, and said there could be no difference. He said: "I cannot sell below that figure; that is the price." I venture to say that he quoted a price that he did not lose on, and the manufacturers did not lose on. Then the article of binding twine is in the hands of a combine. If you go to a merchant and ask him to quote a price for it he will do so, and then you may got to a dozen others and you will find their quotations are exactly the same. I cannot get my buildings insured to-day because I know there is tariff between all these insurance men under which they will not go; the only competition there is, is the smartest man gets the trade. I am a farmer, one of, I will not say an unfortunate class, but I ask hon. gentlemen how many millionaire farmers are there in Canada to-day? How many farmers are there who have a competence—men who can ride round in their coaches and can live in comfort and luxury without having to labor for it? How many laboring men can gain a position of ascendency in this country? Talk about the laboring men combining: If it were not for the combinations of these men they would starve to death. I have myself, when I go home, to work trom 14 to 16 hours every day, and work hard, and that is the way farmers have to work in this country; and if we buy anything we are met with prices which give large profits to the manufacturer and middle men, taken from the farmers' pockets. With regard to the manufacture of cheese and butter, we are told that such factories are combined. I may say to the House that I have attended every meeting of the farmers in my district, and every meeting that I have attended was held simply for the purpose of a better dissemination of knowledge, and to teach ourselves how to produce things better and cheaper than they have hitherto been produced, and in that way to benefit the great mass of humanity. The hon. gentleman tells us that farmers combine in selling hay. I was in the market here the other day, and enquired the price of hay. One man told me $10, another $12, another $13, and so on. Is that a combine? They had the price pretty well fixed, but when you go to the market what do you find? I have gone to the market many a time and sold hundreds of tons of hay in my lifetime. I always found the market price, but if anyone came and offered me half a dollar or a dollar less, and I saw no chance of doing better, I took it. I went to the market with the intention of getting all I could, but I was not pledged to any secret arrangement that I must get so much or I should not sell my hay. No farmer ever is so pledged. They go there and try to get the best they can. I say I do not think the system of legalizing monopolies by the Parliament of Canada is conducive to the best interests of this country. No man within hearing of my voice can go to any constituency now, unless it is a manufacturing district, and be elected for this Parliament if he advocates a system of monopoly in this country. It is not in the public interest, and no country can ever become great or prosperous that legislates in favor of the few and against the masses. I supported the National Policy; I am a supporter of the National Policy, believing it to be the true principle; but if the protection that we give by our high tariff was not enough to protect our manufacturers against foreign competitors we had better throw up the sponge and get out. I was in the North-West a few years ago when the National Policy was established. The duty on implements was 25 per cent. That was not enough, and they put on 35 per cent. I contend that 35 per cent. is too much. I hold that if the difference in freight and 25 per cent. is not enough to give the manufacturers of Canada a monopoly in their own markets they do not understand their business, or there is something seriously wrong, because the difference is too great for the encouragement of the farmers of this country. I repeat, I am a supporter of the National Policy, but when we have to pay such extravagant duties, and then, in addition to that, give a monopoly of a few industries to wealthy men who live in luxury and comfort, there is something unfair about it. I am glad to know that our manufacturers

are prosperous, but I say they ought to be content with a reasonable profit. They want to get 10 and 12 per cent. on their money, while foreign capitalists are satisfied with 2 and 3 per cent. If you establish this system of monopoly in this country you strike a blow at our vital interests, that will kill the National Policy. My hon. friend talks about members of Parliament going back for re-election, and that is one argument in favor of it. These men would not take their lives in their hands; they are elected by the people, and they represent the people five times more than the Senators. They know the wants of the people and will vote for such legislation as they believe the great mass of the people favor; and when this Bill passed the other House unanimously, it certainly shows that in the House of Commons, where the members are responsible to the people, they approve of this Bill. I am in favor of striking out those words because they tend to prevent the people, who feel that they have a grievance, from getting redress. There are so many legal phrases in the Bill that they dare not undertake the risk of litigation, and if they did, they would have to face a combination of men who are ready to pay any price to succeed. We should make the law as plain and workable as possible; that is why I support the Bill.

HON. MR. PROWSE—I think there has been enough said to convince this House that the words that are sought to be eliminated from the Act as it now stands are not objectionable. The arguments that have been advanced in favor of this Bill have been almost entirely against combines in general, and not against the words now in the Act. I may diverge a little from the question in reply to some remarks made by hon. gentlemen. It appears to me that you cannot, by legislation, control the money market any more than you can the labor market, or anything else which has a commercial value. Like water, it will find its own level. If you impose severe restrictions upon monopolists and combines, money will seek investment in other ways. One reason why money is so plentiful to-day and commands so very small a rate of interest is that the men who hold it have not sufficient confidence in the commercial world to invest their capital. They are afraid of trade unions and strikes that are taking place everywhere, and increasing. Suppose we could legislate against combines and put down everything in the shape of a combination in which money is involved, would it affect the market to any appreciable extent? What effect would it have? The same effect that it has had in the United States. There they have stringent laws against combines, and the effect of them is to induce people who have the money, when they find that they cannot combine under the law, to form syndicates, and large joint stock companies, as is being done by British capitalists to-day who are coming out to this continent and buying up the large industries of the country. There is no law to prevent that. I take it that a monopoly of that kind will be worse than a fair combination on the part of moneyed men.

HON. MR. DEVER—That is not a combine at all.

HON. MR. PROWSE—I consider combines in trade, in some respects, are very beneficial. What has been the effect?

HON. MR. POWER—Hear, hear!

HON. MR. PROWSE—The hon. gentleman from Halifax says, Hear, hear! What would have been the effect on his own city if the sugar refiners had entered into a combination sooner than they did? Would the large amount of capital which has been lost by the capitalists have taken place? No. Before these combines took place it had this effect, that the large firms swamped the small ones. The weakest had to go to the wall, and that was the case with the Halifax refinery, although they had hundreds of thousands of dollars invested, every dollar of which was lost to the shareholders. The establishment was bought up afterwards, as I understand, at a nominal price by a syndicate. It has been the same with the cotton mills and other establishments in competition with the large establishments at Montreal—the small ones had to go to the wall. What would have been the result in our lower Provinces if this had continued? The hands employed by those establishments would have been thrown out of employment and would have been obliged to come up to Montreal to find work in those stronger firms or go to the United States. It is admitted on all hands that these institutions have not been pro-

fitable in the lower Provinces. That has been the case, especially with the cotton industry. Persons who invested their capital in the institution at Moncton in 1883 I know have never received, since that time, on the capital invested, more than one dividend of 2½ per cent. The mill has been kept in operation and has been a great boon to the people of Moncton. The shareholders have not benefited, but the community in the vicinity has. If these local industries had been swamped by the larger factories of the upper Provinces trade would have centred here and the large establishments could have controlled prices as they pleased. Then, in reference to the sugar refineries: when I was on the Committee on Banking and Commerce I heard the statement made by a gentleman from Montreal who has been represented here as a most honorable and upright man. If it is true, as stated, that he would not enter into that combine of the wholesale grocers because he wanted to sell his sugar at less than it cost him, I say that that is not, from a business point of view, an honest transaction. It is said that he put an additional price on his goods——

HON. MR. McCALLUM—Who says that?

HON. MR. PROWSE—Do you deny it?

HON. MR. McCALLUM—I am not Mr. Matthewson.

HON. MR. PROWSE—If it is not so I withdraw it, but I understood that he sold his sugar for less than it cost at the factory and would not join the combine. I say a merchant who does business that way is not, from a business point of view, doing an honest business. He must have a fair living profit on the goods he sells, and if he does not get it on one article he must get a sufficient profit on something else to make up the loss on sugar. What is his object? It is to swamp out the smaller dealers alongside of him. It is to bring his neighbor, who does a fair trade, to bankruptcy.

HON. MR. McCALLUM—My hon. friend has set up a man of straw and knocked him down.

HON. MR. PROWSE—I think that position has been fairly taken. It has been stated that the profit that these wholesale grocers make does not exceed 2½ per cent. Any one who knows anything of business, whether he is a merchant or a farmer, will not dare to say that 2½ per cent. on any commodity is an exorbitant profit. If it can be proved before the courts that these monopolies are making an unreasonable and undue profit, I take it for granted the courts of the country will find them guilty of doing that which is unlawful and unjust and punish them accordingly. It has been said that there is no friendship in trade, and that leads me to this conclusion, that these combines were never established for the purpose of raising prices and keeping them at a high rate through monopoly. These industries have been forced into these combinations for self-preservation. We know that it was anticipated, especially by the advocates of the National Policy, that when that policy would get a fair footing in this country there would be a boom in business from one end of the country to the other. People were sanguine and hopeful, and were induced to put their money into manufacturing enterprises beyond the requirements of the country. The consequence was that business was overdone. One way to preserve the smaller institutions was by combining with the larger ones, so as to keep them running until our Western Territories become settled and a market could be found for their products. My hon. friend from the Western Territories tells us that there are no millionare farmers. If there are not, there are very few bankrupts among them. It is said of a commercial community that not more than one in ten of those who enter into speculations succeed. It is not so with the farmers. They may not be able to make an immense amount of wealth in a short time; it is only by speculation that is done, and those who do it have to risk large sums of money to accomplish it. The farmer, although he is not rolling in wealth and luxury, is perhaps the happiest man in the community after all. It must not be supposed that those who own shares in those large manufacturing establishments are all millionaires. They are owned by joint stock companies, and many of the shareholders are very poor people, widows, and perhaps orphans, who have very little else to depend upon beyond the little pittance that they have invested in

these manufacturing establishments. If, by the legislation of this Parliament, those industries should be allowed to go down, those poor people would lose all they have. If I were satisfied that these words in the Act were likely to prove an injury to the country I should certainly vote to have them eliminated from the Statute-book, but until it has been proved that they are an unnecessary appendage to the Act or injurious to the public I shall vote that the words be allowed to remain where they are.

HON. MR. POWER—The hon. gentleman from Murray Harbor began by reproving some of those who have spoken to-day for having drifted away from the subject, and then he informed the House that he proposed to diverge for a little while from the argument before the Senate. So far as I have been able to follow the hon. gentleman's speech, it has been all diverge, because he has not given us any information at all on the question before the House. This is not the time to enter into a general discussion of the question of combines and protection; but with the permission of the House I shall say a very few words about the subject that is before us. The position is this: A couple of years ago, inasmuch as a great deal of dissatisfaction had grown up throughout the country with the system of combines, a committee was appointed in the other House—the House which is directly responsible to the people. They felt that it was necessary that something should be done to meet the popular discontent in connection with these combines. A committee was appointed and evidence was taken; and that evidence was such as to satisfy most people that there were combines in the country which were injurious to the consumer. There was no legislation that year, but last year the members of the House of Commons felt it was their duty to legislate—I do not know whether the members of the House of Commons were individually in favor of the legislation or not, but they were impressed by the popular feeling and were obliged to legislate. They were driven by the popular sentiment to pass the legislation. The Bill came up to our House at a late stage of the session—regrettably late. There was not time to discuss the Bill very thoroughly; and as hon. gentlemen know, in the closing days of the Session our proceedings are not characterized by the utmost deliberation. When the Bill was in Committee of the Whole House the hon. gentleman from Sarnia, who happens also this year to be the chairman of the committee to whose tender mercies the Bill was unfortunately committed by the hon. gentleman from Monck, moved that these two words "unduly" and "unreasonably" be inserted in certain parts of the Bill, and that motion carried by a pretty large majority. The Bill went back to the House of Commons, and there the gentlemen who had sent the Bill up were very much dissatisfied; and it was a question whether they should take the Bill in its mangled form or refuse assent to our amendments and let the country do without the Bill altogether. I think, myself, they would have been a little wiser to let the Bill go, and not to have accepted our amendments. However, a measure was introduced into the House of Commons this Session for the purpose of replacing that Bill in the same position as it was when it came to us last year. It has been alleged that the Bill passed the other House unanimously. The hon. gentleman from Kennebec division feeling that that was really a very strong argument, undertook to break the force of it by telling us that that may have been so, but it was a sort of snap vote, that the members were not on the *qui vive* and the Bill was practically smuggled through the House. What are the facts? You cannot smuggle a Bill of this consequence through the House of Commons. If there were only one reading I could understand it; but the Bill must be read three times, and it has to go through a Committee of the Whole House. I have been informed that the statement of the hon. gentleman from Kennebec is incorrect in every particular: that there was no snap vote; that there was a speech of some considerable length made on the second reading; that it was early in the evening, about 10 o'clock, when the Bill passed the second reading, and further that at the third reading the Bill was allowed to pass unanimously and was taken up out of its place at the request of the leader of the House of Commons. He said he wished that this Bill should have a chance to get to the Senate. Here is the leader of the House of Commons, the leader of the great protectionist party and presumably as much

interested as any hon. gentleman here in maintaining those great associations which furnish the funds for election campaigns—here is this gentleman instructing the House, asking and advising the House to let this Bill be taken up out of its place in order that it might get here to be discussed; yet the hon. gentleman from Kennbec told us that it was a snap vote, and that it was smuggled through the House of Commons. It has been stated that we are not here to endorse everything that is done in the House of Commons. Certainly not, and I have always taken that ground as strongly as any member of the House; but I have always said this—I suppose hon. gentlemen do not attach much weight to what I say, but on two or three occasions, when we have discussed the uses and purposes of the Ssnate, I have said it was often our duty when a measure came from the House of Commons, which appeared to be the result of undue haste, to reject it, if we thought it was mischievous. But if, after the people of the country had time to consider the question, the House of Commons again passed the measure, that then it was a rather serious matter for us to undertake to throw it out. We have just got that case now, and when the House of Commons unanimously adopt a measure of that sort it is a serious responsibility for us to undertake to reject it. So far as to the position of the measure: now with respect to the wording, the hon. gentleman from Sarnia said something about our having sanctioned an anti-combines Bill, but everybody knew the alteration that was made in the Bill last year practically rendered it useless; and to whom have we to look if not to the gentlemen who introduced this Bill and took an interest in it, and who no doubt have had legal advice on the question, and have felt that the Bill in its present shape is of little or no value? I think it is our duty to give them a Bill that they will be reasonably satisfied with, and that they feel they can do something with. Now, what is the proposition? The Act which we passed last year reads this way:

"Every person who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully,—

"To unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce, &c."

Now, according to the common law these combinations to raise prices and limit production, and all that, were, I believe, held to be unlawful: and the object in passing this Act was largely to render it practicable to bring the common law to bear—it was more declaratory than anything else. But the word "unlawfully" shuts out anything that is fair or reasonable. The common law said it was unlawful to do certain things, and in order to weaken the effect of the common law and to put things really in a worse position than they were before the Act passed the Senate put in the words "unduly." When you come to talk about unduly limiting, you open up a large field for discussion. I have no doubt that gentlemen, such as the hon. gentleman from the Kennebec division, could persuade almost anyone that there was nothing undue in the most atrocious combine in the country. If I am allowed to say one word on the subject of witneses, I wish to be understood as not finding the slightest fault with the gentlemen who compose these combines. They are like other people; they like to get all they can and hold on to all they have. That is human nature, and I do not blame them at all; but it is our duty to look after them, and see that they do not get too much—more than their share. The hon. gentleman from Kennebec was examined before the Combines Committee of the other House two years ago; and although I was not present at the meeting of the committee, I took a little interest in what was going on; and I remember asking a member something about the examination of the hon. gentleman, and he gave me to understand that he was a witness out of whom it was very difficult to get any definite information. But we do not get nearly as much definite information this evening as we might have received if he had been in a mood to disclose.

HON. MR. VIDAL—Is the hon. gentleman sticking to the point now?

HON. MR. POWER—I am dealing with the word "unduly," but I shall not say anything more about the evidence. I think it is our duty to give the common law fair play, and improve it, by putting it into a more defined and positive shape, in which it can be utilized. While we leave in the word "unlawfully," no great harm can be done by striking out "unduly" and "un-

reasonably." Hon. gentlemen have talked as though these combinations were not bad things. I do not propose to say much about them, except this, that the effect of combinations is to raise the prices of food and clothing and other necessaries of life. There is nothing more hurtful to a country than that. And the House of Commons have felt the duty imposed upon them of trying to stop that process. It is our duty, having seen that the sober second thought of the country is behind the House of Commons, to let them have their way in this particular instance.

HON. MR. LOUGHEED—I would not trouble this House at this late period of the evening were it not that as a member of that committee, I am bound to vindicate the committee as against certain inuendoes made by hon. gentlemen who have moved for the recommitment of this report to the committee. The reflection has been cast upon that committee that they knowingly brought into this House a report for the purpose of wilfully rendering ineffectual and inoperative a law upon our Statute-book which we, using the language of the hon. gentleman from Halifax, "knew to be entirely nugatory," and rendering the law inoperative for the purpose for which it was passed. Therefore, in consideration of that fact, I would trouble the House as to the manner in which I viewed this question when before the committee. As far as I can apprehend the duty of that committee, there was only one duty cast upon them, and that was to consider the bearing of these two particular words upon the law as we found it on the Statute-book. We were not delegated to go any further. There was a Bill before us for our consideration to expunge two words that we found on the Statute-book, and the question resolved itself simply into this, whether those words prevented that statute from being operative or not. The two words in question are "unduly" and "unreasonably." My hon. friend from Monck has already stated to this House in the course of this debate that he is quite satisfied that the word "unduly" in no way affects the operation of the Act, because it is entirely harmless, so that we limit the difficulty down to the word "unreasonably." Now, the committee during the consideration of this Bill extended a great deal of liberality to the various gentlemen who approached them in the capacity of delegates to urge their views upon this question. They treated them, I say, with a delicate consideration and allowed them very much greater latitude than perhaps they were entitled to, but owing to the fact that considerable sensitiveness appeared to prevail in the minds of the promoters of the Bill, the committee therefore appeared to extend to them a latitude which was not warranted if we had limited our deliberation to the strict letter of the proper construction of the Bill before us. It was not our duty to go into the question of combines. It was not our duty to consider the merits or demerits of the alleged iniquitous combinations which were said to exist throughout the length and breadth of this country. Parliament has already expressed its disapprobation of all combinations entered into in restraint of trade, by placing on the Statute-book a law which I submit is calculated to supress in every way such combinations as the statute was intended to reach. Hon. gentlemen said before that committee that that statute was rendered inoperative by the insertion of the words referred to. One would naturally suppose that before we would be called upon to expunge two words from a statute, or make any material alterations in the statute affecting such very large and such important interests as those before the committee, that a very clear case should be made out to the committee why the proposed action should be taken. The first duty of the committee, I take it to be, was to ascertain if there was a sufficiently clear case made out why there should be any interposition of Parliament this Session for the purpose of changing that Act. What was submitted to the committee on that occasion? Was there any statement made to the committee that this particular statute had come before any court for judicial interpretation? Was there any evidence before the committee that any legal opinion of consequence had been submitted, either to the delegates or to those who were promoting the Bill, that this Act was inoperative by these two words? I say there was no such evidence before the committee that these two words rendered the Act ineffective to carry out the intentions of Parliament against combines formed in restraint of trade. When the promoter of the Bill

in the Commons was asked if there had been any judicial decision on the question he stated that there had been none. He was also asked whether any legal opinion of consequence had been obtained. He stated that they could not produce any legal opinion of consequence. Are we, therefore, to take the *ipse dixit* of any one of those gentlemen who confessedly had no legal training, but who came here as a delegation from Western Ontario, and stated to us that this law had been inoperative by the insertion of the words complained of, after the solemn deliberation of the two Houses of Parliament had intended and declared otherwise? Were we to accept the statement that these two branches of Parliament were wrong in the conclusion that they arrived at? Were we called upon to stultify ourselves after Parliament had inserted these two words, because three men representing certain farming institutes have given it as their opinion that these words render the Act inoperative? Are we called upon on such a statement to declare ourselves in error to such an extent as to say we were wrong last Session, and that, therefore, we shall expunge these words this Session of Parliament, without any decision of a court or any legal opinion as to the necessity for such action? The excuse was made why legal opinion was not obtained, or why a test case had not been made, that the public were not called upon to put their hands in their pockets for the purpose of testing whether an Act of Parliament of this kind was sufficient to carry out the purposes which Parliament had designed in passing it. The delegates stated that they represented no less than 8,000 farmers in Ontario — that they represented a combined strength of 8,000 farmers, who protested against the retention of these words in the Act. Now, if these 8,000 farmers had considered that they labored under a grievance they could by placing their hands in their pockets and contributing 25 cents each have raised $2,000, which would have carried a test case into the highest court of the land and proved whether the expunging of these two words or their retention was necessary. But did these 8,000 farmers consider to the extent of 25 cents each that it was necessary to do such a thing? I say they did not. Another delegate told us that he represented 200 retail grocers in Montreal. Now, if these 200 retail grocers had chosen to put their hands in their pockets and contribute $1 each they could have obtained the best legal opinion in the Province of Quebec as to whether these two words would render the Act inoperative. I submit to this honorable House that as the Act stands these two words are simply declaratory of the law as it stood before. We know that the masses of the people are continuously asking Parliament to make its Acts clear. I say that Parliament has done it in this particular case. They not only assist a definition being placed on the word "unlawful," but they have made it clear on the Statute book what constitutes a contravention of this Act. Therefore, it should be considered to have been a commendable motive that prompted Parliament to place these two words on the Statute and make it clear. Considerable reflection has been cast on the judiciary of this Dominion by observations of certain hon. gentlemen. I think if they had considered the import of the observations made they would not have made them. They say the court cannot possibly construe the words "unduly or unreasonably," I assert that the courts of this Dominion are called upon every day to construe these and kindred words. We find in real property law the words "reasonable wear and tear." Take the converse of that, "unreasonable wear and tear." The courts are called upon every day to construe that particular phrase. Will my hon. friend from Monck contend that all these qualifying phrases should be expunged from our statutes because a court of law may find it difficult to construe what they mean? In our commercial law we find the phrase "reasonable time" expressed. They are to be found in our Bill relating to bills of exchange and promissory notes, which passed this House the other day, and will the hon. gentleman from Monck say that our commercial law should be revised, and that these limiting words should be struck out in case the court should throw up its hand by reason of inability to construe these particular words? Then in our law on wills and also upon elections, we find the words "undue influence" cropping up. Will the hon. gentleman from Monck say that the word "undue" should be struck out because the judge of a court may not be able to ascertain what the word "undue" means? Wilful negligence,

culpable negligence, gross negligence, and phrases equally qualifying or general, are in use in our common law, in our railway law, in laws respecting civil rights. I say that in the perusal of our statute books you will find these words and kindred words used hundreds of times, and if we are to strike out the words "unduly" or "unreasonably" from this Act by reason of the court possibly finding it difficult or impossible to construe their meaning we should, to be consistent, strike out similar words in all our statutes. The contention of the promoters of the Bill avowedly is that the object for striking out these words is, that the court by their retention is prevented from construing the language of the statute, not that it is alleged that they nullify the statute or render it ineffectual —but that the court will be unable to ascertain what "unduly" and "unreasonably" mean. Under these considerations, I think the House should accept the report. I say that the committee were justified in coming to the conclusion that no evidence whatever was submitted to them calculated to show that these words rendered the Act inoperative in any way.

HON. MR. READ (Quinté)—It will be in the recollection of the House that on Monday this Bill was in committee and that on Thursday of the same week prorogation took place—I am speaking of last Session —so that there was no time in the other House for consideration of our amendments, and they were allowed to go. After having time to give it consideration since then the House of Commons have eliminated our amendment, and now ask this House to concur in their action. We have been told by the hon. gentleman from Quebec that there have been no complaints from his Province about this Bill. I think he must be mistaken; his friends could have informed him that hundreds of grocers have complained about it. I think that he will find it to be the case when he returns to his constituency, that there have been many such complaints.

HON. MR. THIBAUDEAU—Mr. Matthewson complained.

HON. MR. READ—We are told by another gentleman that if the 200 grocers in Montreal had contributed $1 apiece that they could have tested this Bill. Does anybody believe that $200 or $2,000, or $10,000 will test it? These combines have means enongh under their control to keep such a suit running, as we know lawsuits can be kept running, until many of us are in our graves. I think the fee of the hon. gentleman from Calgary, if he were asked to take such a case, would be $500 at least, so that what he tells us about testing the law for $200 goes for nothing. If these combines can, by combining, put dollars into their own pockets, they are likely to contest any such case to the bitter end. There is no doubt that when these words were put into the Act. they were put in under the best legal advice. We know where they emanated from. We know that the manufacturers had the opportunity to procure the best legal advice to have these words inserted so that the Act would do the least possible harm. The hon. gentleman from Kennebec told us that he was interested in discussing this question. Well, everyone is. They all wish them to succeed, because if they succeed, no doubt those that supply them will succeed. Then he told us it was his duty to see that they made a good profit.

HON. MR. DRUMMOND—I did not say that.

HON. MR. READ—That was the inference—that was really the result of what he said.

HON. MR. DRUMMOND—No.

HON. MR. READ—Then he told us that they threatened him if he did not do this, that they would not sell his goods, and I think they threatened more than that—that they would erect a refinery for themselves.

HON. MR. SMITH—I would have pitied them if they had done that.

HON. MR. DRUMMOND—They did not threaten me at all.

HON. MR. READ—It may not have been the hon. gentleman; it may have been some other refiner. That is what I heard at the time. What with these threats and the interests of his customers, and of himself as well, they formed this combination, and it is the opinion of the people that it is hurtful to their best interests. The House of Commons have thought so, and I have no doubt that they are speaking

the sentiments of the people when they say that combines are not in the interest of the country. Why do we find gentlemen coming from Montreal, Toronto and other parts of the country in large numbers if they are not greatly interested? They would stay at home and attend to their business if they were not interested. The hon. gentleman told us that we ought to leave this in the hands of the courts. I think those who have the least to do with the courts will come out best in the end. Reference has been made to one of our departed Senators who was complaining of his losses on sugar, but his opinion on sugar combines I happen to know. One day as we sat in the committee room, while the combines evidence was being taken, he said laughingly: "I do not know but I have been in a little combine. I took $20,000 in a sugar refinery in Boston and afterwards was induced to take more stock. It did not pay me for some time, and I thought it was not a good thing, but latterly I have been getting 3 per cent. a month, and the combine is not so bad on the sugar as I at one time thought it would be." Those were his words to me. Something has been said about salt: the opinion is, and I believe it is correct, that certain individuals said to the salt producers: "We will take all your salt and give you 70 cents a barrel, and sell it ourselves." Having all the salt, this combine said: "This is a good thing; salt cannot be imported in competition with us, and we will put our price on it." Those of us who had been purchasing salt for $1 a barrel did not know for a time that there was anything wrong. I had occasion to send a team for some salt, and I gave the usual amount of money to bring back a load, and when the team returned the quantity was less than usual. Then I learned that salt had risen to $1.50 per barrel. Who gets the increased price? Seventy cents is the first price, 35 to 40 cents is the cost of transportation, and where does the balance go? Not to those who produced the salt, but to those who controlled the trade, those who sat quietly by and caught the bird while the others beat the bush. The consumer is so much out. These things have occurred within our own knowledge. Now, it is just the same with these wholesale grocers. Do they work; do they produce; are they employers of labor? No; they sit by, write an order to a refiner for forty, fifty or one hundred barrels of sugar, pay for it in forty-eight days, get the best pay they can from their customers, and pocket the balance. They are the drones that are taking the honey, and the working bees are producing it. I am one of those who have always believed in a protective policy for this country, but it never entered into my mind that cotton manufactures would be produced under the National Policy. I was more than surprised when cotton factories were established. If they have not been successful it is not a disappointment to me, and I might also almost place sugar refineries in the same category, because they are not exactly adapted to the conditions of this country. The effect of these combines has been explained often. Take the case of Mr. Matthewson: it shows the tyranny that can be practised upon a merchant. I see by the evidence that where he had been a customer at one place for thirty years they refused to sell to him because he would not join this holy alliance. It proves, first of all, that he was a long time in business, and it proves also that because he would not knuckle down, because he had the spirit and independence of a man, they refused to sell him supplies on the same terms as others. I think that that alone is sufficient to warrant me in doing everything in my power to defeat any combine that may exist.

HON. MR. CLEMOW—This debate has been very long, and I must ask the indulgence of the House to say a few words in reference to some of the points that have been brought forward by some hon. gentleman who have spoken. I was upon the Banking and Commerce Committee, and took every pains to ascertain from the various witnesses whether they had any grievance to complain of. I did all I could to get a fair and undisturbed hearing for every man who appeared before the committee, and I did not hear one man express himself as dissatisfied with the operation of the Act—I could not find one solitary instance where injury had been inflicted upon a community owing to the presence of those two words in the Act. I think it is a misnomer to call this the Combines Bill; I rather think that the proper term would have been: Bill for the purpose of preventing persons from protecting themselves in a legitimate way in their trade.

We carry out the principle of protection throughout our lives. Every man does so more or less. I cannot understand why there should be such a difficulty in arriving at a decision in this matter. It is true that some gentlemen have quoted instances where grievances have occurred. They have instanced the salt combine. They say that salt costs the combine $1.15 per barrel and that they sell it for $1.50. Is 35 cents a barrel on salt an unreasonable profit for the man who has embarked his capital in the business and undertaken some risk? If so, the courts of justice are open to give redress to anyone who may be injured in that way. If I were in the position of those who complain of this I would seek redress in the courts. I am told that it would be expensive, but if there is an outcry against combines throughout the country there should be no difficulty in procuring funds to bring a test case before the courts. No such action has been taken. I have not seen the petition, or heard one man in this country say that he feels aggrieved. Would the Senate, therefore, be justified in listening to the appeals of gentlemen from the other House who tell us that because the Bill has passed the House of Commons we must also pass it? I think that this is a matter legitimately and properly belonging to the functions of the Senate. The members of this House are gentlemen acquainted with trade and the customs of trade, and they can form deliberate and just conclusions with respect to the operations of this Act—in my opinion equal if not superior to the judgment of members of the other House. I am perfectly willing to listen to anyone who can bring forward a real grievance, and am willing, if it can be proved, to assist in making restitution to those who may be injured, as far as Parliament can. We have heard a good deal about farmers' combines. I do not suppose that they enter into arrangements in black and white, but they do combine. They have often held their wheat and oats and hay for years—for what purpose? For the purpose of getting better prices. To that there can be no objection; it is what every man in this Chamber and in this country would do if he could. I do not see, therefore, what necessity there is for making this onslaught upon the words of this Bill, because if it is unreasonable or undue restriction on trade, the courts of law are open to punish the offenders; but I think it would not be right to require that they should be subject to punishment for something that is not unreasonable and undue. I do not think the Senate will stultify itself by undoing now what was deliberately done by the majority a year ago. When we pass a law we should wait until we ascertain whether it is effective or not before undertaking to amend it. I do not suppose that the Senate will persevere in its present attitude if evidence can be shown, by petition or otherwise, that there is a general desire in the country that the law should be amended. When that time comes the Senate will bow to the decision of the many; but, as we are constituted, we ought to protect the interests of all parties. The interests of capitalists and manufacturers should be just as sacred in the eyes of this House as the interests of the workingmen, or any other section of the community. As business men, we can understand this subject as well as any other persons in the country. A great deal has been said about monopolies in Canada. I have yet to hear any evidence that we have any great monopoly. Surely if there was anything of the kind we would have heard something of it. I am told that these gentlemen who came down from the west to support this Bill went away with their minds quite changed with regard to the effects of the law. They said if they had known how it really stood they would not have taken the trouble of coming to Ottawa for the purpose of supporting the Bill. Is it not right that men who have invested largely in the industries of this country should have the opportunity of conducting their business in such a way as to prevent ruin to their interests by over-trading and over-production? I think it is but fair that they should be allowed to co-operate for the proper management of their business, subject, of course, to doing so in a fair and legitimate way. One effect of the present system is that it has curtailed, to a very great extent, the credit system, which I consider was a great bane and worked serious injury to the country. The credit system prevailed generally, and the effect of this mutual arrangement among those engaged in the legitimate trade of the country has been to place business operations on a safer footing than ever before. If it has had no other effect

than that, the country has derived a very great benefit from the operations of these gentlemen who have taken into their own hands the management of business affairs. I have heard it often stated that a man will buy any amount of goods if he can get three or four months' credit. When the business of the country is reduced to a cash basis it will benefit every other interest. Until we have better evidence that this law is inoperative, inefficient, or unsatisfactory to the masses of the people, we should, at all events, firmly insist upon leaving it unchanged. The committee gave every consideration to the Bill and did all in their power to render substantial justice to all concerned, and they have come to the conclusion that the law should remain unchanged. If, at a future Session, it can be shown that the law would be improved by the proposed amendment, then it will be quite time enough to take action; but until that time does arrive we should remain firm, and refuse to take action hastily.

The Senate divided on the amendment, which was rejected by the following vote:—

CONTENTS:

Hon. Messrs.

Grant,	Pelletier,
Haythorne,	Perley,
McCallum,	Power,
McClelan,	Read (Quinté),
McDonald (C.B.),	Robitaille,
McInnes (N. Westminster),	Scott,
Macdonald (Victoria),	Wark.—14.

NON-CONTENTS:

Hon. Messrs.

Abbott,	McKay,
Armand,	McKindsey,
Bellerose,	McMillan,
Bolduc,	MacInnes (Burlington),
Casgrain,	Merner,
Chaffers,	Miller,
Cochrane,	Murphy,
DeBlois,	Pâquet,
Dever,	Prowse,
Drummond,	Smith,
Girard,	Sullivan,
Glasier,	Thibaudeau,
Kaulbach,	Vidal.—27.
Lougheed,	

The report was adopted on the same division.

The Senate adjourned at 12 p.m.

THE SENATE.

Ottawa, Thursday, May 8th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

ST. VINCENT DE PAUL PENITENTIARY.

ENQUIRY.

HON. MR. BELLROSE inquired:

What amount has been paid to O. G. Bourbonnais, Esq., at various times, in his capacity as stenographer, for the two days during which he accompanied, in that capacity, the hon. the Minister of Justice and the hon. the Secretary of State to the Penitentiary of St. Vincent de Paul, on the 10th and 11th December, 1886?

HON. MR. ABBOTT—I have to inform my hon. friend that Mr. Bourbonnais has received nothing for the services mentioned, he never having made any claim therefor, or furnished the notes of the evidence taken, though repeatedly asked for them.

SAVINGS BANKS IN QUEBEC BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (CC) "An Act respecting certain Savings Banks in the Province of Quebec."

On clause 20, which reads as follows:—

"20. The bank may also lend such moneys, upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature mentioned in the next preceding section, or British or foreign public securities, or stock of some chartered bank in Canada, or stock in any incorporated building or loan society, or bonds or debentures or stock of any incorporated institution or company, or such securities as are accepted by the Government of Canada as deposits from insurance companies, are taken in addition to such personal or corporate security, with authority to sell such securities if the loan is not paid, and provided also that the bank may lend moneys without collateral securities to the Dominion or any Provincial Government, or to the corporation of any city in the Province of Quebec with a population of at least twenty thousand inhabitants within the limits of the borrowing powers of such corporation."

HON. MR. SCOTT enquired—Can they lend to their own directors?

HON. MR. ABBOTT—I think they can lend on security to anybody. Whether they can lend to any great extent, perhaps my hon. friend from Montreal can state.

HON. MR. MURPHY—They have the right to lend to their own directors, provided they furnish collaterals such as are approved in any other case, no matter what it is, either Montreal Bank stock, municipal debentures or bonds. They have a right to do that: I do not know that there is any restriction as to the amount.

HON. MR. ABBOTT—These two banks cannot lend on endorsed paper; it must be collateral security in every case.

HON. MR. MILLER—There is no exception in favor of the directors?

HON. MR. ABBOTT—No.

HON. MR. POWER—This empowers them to lend on the stock of chartered banks.

HON. MR. MURPHY—In reference to that, hon. gentlemen will recollect that the ordinary chartered banks cannot lend on bank stocks of any kind, and consequently it is a privilege given to the savings banks to enable them to dispose of the money that is deposited.

HON. MR. POWER—I doubt the wisdom of it.

HON. MR. SCOTT—One can see where this clause is open to very serious abuse, where there is no restriction to lending on the stocks of chartered banks. Often such stocks are below par, perhaps 50 per cent. or less. I think that the clause requires looking after, because it is the most important one in the Bill, and it would be manifestly wrong to allow the banks by collusion among the directors to lend 100 cents on the dollar when the stocks are worth 50 cents in the market.

HON. MR. MURPHY—That has never occurred in the bank with which I am connected. When the stock is worth, say 60 cents in the dollar, probably only 50 cents would be loaned on it. There is always a considerable margin.

HON. MR. ABBOTT—My hon. friend will perceive that in making provisions in various Acts as to the nature of securities which may be received as investments no restriction as to the amount is usually made. In companies of this description, we never say to what extent security is required, because the directors are selected by the shareholders to take care that their money is not lent on insufficient security, and as a matter of fact we know by experience that it is not. There are no better managed banks in this country or anywhere else than these two. The board have to account for their management to the shareholders. It would be very difficult to establish a general rule as to the extent to which money might be loaned on collateral security. It might have a very different effect from the one intended; it might lead to the loan coming up in every case to the margin fixed, whereas the directors, if there were no such margin, would be careful to keep it low enough to make the security perfect. There is no reason why we should impose new restrictions now.

HON. MR. SCOTT—Several banks in this country have been wrecked, simply by the directors loaning large sums to themselves. I need not point out the recent failure in Toronto, where the loss was due to that cause. In the case of a savings bank, particularly, we ought to guard against fraud of that kind. Of course, one may have a feeling of delicacy, in view of the very respectable board of directors existing now, but we are legislating for a number of years ahead. The men in charge of the bank now will not be in charge of it ten years from to-day, and therefore we ought to surround those savings banks with every possible precaution. It is quite possible, under this provision, for the directors to lend 100 cents on the dollar on stock that is worth 50 cents or less.

HON. MR. ABBOTT—As I have had occasion to remark more than once in this House, there is scarcely a Bill that we pass that one could not imagine would admit of injury being done to some one. Here is a bank which has been in existence for a great many years.

HON. MR. MURPHY—For forty-three years.

HON. MR. ABBOTT—It has been in existence under its present charter for twenty-five or thirty years. These charters have been renewed twice, and this clause has been in them in the same form as now, and we have had no experience in their management that would warrant us in making a change.

HON. MR. SCOTT—The trouble is that other savings banks may be established on the same lines.

HON. MR. ABBOTT—We might be more strict in other cases.

The clause was adopted.

On clause 22,—

HON. MR. ABBOTT said: At present the Act prohibits the sale of collateral securities for thirty days after the maturity of the debt, but such securities fluctuate in value, and it is not in the interest of the bank or its depositors that it should be compulsory to hold stocks which may be falling in value for thirty days after the debt becomes due. It is proposed to let the bank make an arrangement with the borrower at the time the loan is made. That arrangement, as we all know, usually consists of a contract note by which it is said that so and so borrows so many dollars, and pledges certain stocks, and the bank is allowed, in case the debt is not paid, to sell the collateral. In order to make clear what the rights of the bank are, and what the rights of the party borrowing are, I propose to add after the word "payable" the following: "or within such shorter delay as shall be fixed between the bank and the borrower at the time the loan is contracted."

HON. MR. POWER—Some provision should be made to prevent the property being sacrificed by reason of too short a notice being given. Under this clause the advertisement might be inserted in a newspaper for only one day.

HON. MR. ABBOTT—It has got to be published in two newspapers, and notified also by letter.

HON. MR. POWER—That might be the morning of the sale.

HON. MR. ABBOTT—If it is a saleable article in a large city, that might be sufficient notice. I have no objection to inserting the word "reasonable," but if we use such a word might it not deter people from purchasing, lest a dispute might arise afterwards as to whether the notice was reasonable or unreasonable?

HON. MR. MURPHY—The interests of the depositors and all concerned would induce them to give proper notice, and reasonable notice might be difficult to define.

HON. MR. ABBOTT—It might be a blot on the title. The clause in its present form is better. I think we should leave it to the discretion of the directors.

HON. MR. SCOTT—You are legislating on the character of the present board.

HON. MR. REESOR—They could have no object in sacrificing the security.

HON. MR. MILLER—My difficulty is this, with regard to the notice: I think there should be notice, because you give the banks power to buy in the property themselves, which is not generally given to creditors who sell equities of redemption.

HON. MR. POWER—There should be some consideration for the borrower. If his secureties are sold without notice he has no time to protect himself, and his property may be sacrificed. You should at least give the borrower two or three days' notice to enable him to look round and see if he cannot meet the claim of the bank.

HON. MR. ABBOTT—If the borrower desires to have any special notice given he can stipulate for it when he borrows the money.

HON. MR. POWER—But where there is no agreement made.

HON. MR. ABBOTT—The practice is to state in the contract note what the desire of the borrower is.

HON. MR. MILLER—It may be said that at the time the debt is entered into there is a fixed period for the payment of it—he has notice from the very start when it is to become due. I would not recommend the insertion of the word "reasonable," because although it was a very good word in the Combines Bill, I do not think it would serve a useful purpose here. It might throw a blot on the title.

HON. MR. SCOTT—The borrower always means to pay on the day when the debt is due, but experience tells us that he does not pay, in a majority of cases, on that day, and the courts have been obliged to inter-

vene and protect the borrower, and the courts have intervened to protect the borrower from himself; because often, when a man borrows money he is prepared to make any sort of bargain. It gives the bank power to put the property up the day after the debt becomes due and buy it themselves. You have no right to offer that temptation to the directors, and I am quite sure that the House of Commons would not pass the Bill in that shape. We are ignoring the interests of persons who ought to be protected. No mortgagee would be allowed to sell in that way. The court requires reasonable notice—a month, or two or three months —and its adds further that if the mortgagee buys in the property himself he has got to give the mortgagor an absolute release. You do not provide any such thing here. If, for instance, a man gives a security for $5,000, and it is sold on short notice for half its value, leaving a balance still due, that balance is a claim against the borrower. I think the proposition is iniquitous.

HON. MR. ABBOTT—My hon. friend from Ottawa criticizes this as iniquitous.

HON. MR. SCOTT—Yes, indeed; the proposal is iniquitous.

HON. MR. ABBOTT—That is at present the law of Quebec, and if you come to criticize the laws of the Provinces I say that it is an iniquitous thing to say that a man shall be discharged from his debt if he fails to pay, if a property is mortgaged for it, and the property is sold, and does not realize enough to pay the debt. He should be held liable for the balance. With regard to this right of purchase, which seems very strange to my hon. friend, this is in exact accord with the law of Lower Canada where this bank does business. In Lower Canada, where property is sold by the sheriff it may be purchased by the mortgagee; for the property has to be bid up by the mortgagee, if he wants to save himself, to a sum sufficient to pay him, and all the expenses of the sale, besides paying previous mortgages; and I venture to say that in nineteen cases out of twenty property is bought in necessarily by the mortgagee, because such properties do not realize their full value at sheriff's sale.

HON. MR. MILLER—Is the mortgagee, allowed in Lower Canada to buy in the property.

HON. MR. ABBOTT—Yes; the law expressly allows him to do so without paying cash for it. There is no process of foreclosure known to our law at all. He simply takes a judgment against the owner of the property, takes out an execution, and the sheriff sells the property. At that sale the property must be sold for enough to pay any first mortgage in cash, and all the expenses of the sale, before the holder of the second mortgage can get one cent. The consequence is, in nineteen cases out of twenty the plaintiff has to buy the land to try to make his own out of it.

HON. MR. SCOTT—There is always notice under a mortgage there?

HON. MR. ABBOTT—There is no notice at all. There is a suit.

HON. MR. SCOTT—Under this clause it is done in twenty-four hours.

HON. MR. ABBOTT—That is chattel property. In case of chattel property a contract is usually signed, which declares whether or not the bank shall have power to sell on default. If the price is not sufficient to realize the amount that is due to the bank, and the bank believes that the securities will rise, its proper course is to buy them itself, and hold them until a better price can be realized. The only object of this privilege which is accorded to the banks is to enable them to protect their debt. There is no instance during the thirty or forty years of their existence of their having speculated in securities. They buy, if they buy at all, because the property is about to be sold for less than will pay their debt.

HON. MR. MURPHY—Hon. gentlemen will bear in mind that what is provided for here is stocks, and stocks may fall or rise within two or three days, and the object is to allow the bank to realize as much as possible for the borrower. I know that we have been thanked, as far as the bank with which I am connected is concerned, for having promptly sold stock at a time when it realized more than it would if sold a month afterwards.

HON. MR. READ (Quinté)—Take the case of valuable debentures, on which a

depositor borrows money, and he anticipates to pay the amount that he borrows on them, but through some accident or other he is in default, and the bank realizes on the debentures without notice. Valuable property might be sacrificed in that way.

HON. MR. DEVER—That could not be, for valuable bonds at any time will bring their value, even at a public sale.

HON. MR. SMITH—No hardship of that kind has ever arisen.

HON. Mr. MURPHY—The bank cannot advance or lend money on such assets. They can be only taken for a bad debt, and then disposed of.

HON. MR. POWER—Sub-clause 3 authorizes the bank to make any arrangements that it pleases with respect to collecting or realizing on a debt. It is not unreasonable to provide that the property of the borrower shall not be sacrificed at a sale without due notice. The hon. gentleman has made some comparison between the law of Quebec and the law of other Provinces. I have nothing to say against the law of Quebec, but it strikes me, from what I have seen during the present Session, that the law of Quebec is much more tender of the rights of money-lenders than of the general public.

HON. MR. ABBOTT—The law of Quebec is only tender about seeing that the rights of all parties are protected alike. The only difficulty that is urged about this clause seems to be an imaginary one, that it is possible that something of the kind referred to might happen. Now is this sufficient for us to say to these two banks that have been doing business for thirty or forty years with these powers, that we will alter the charter under which they have been working, for fear they may commit something in the nature of a fraud on their debtors?

The clause was agreed to.

On clause 33,—

HON. MR. ABBOTT—This is a clause about which there has been much discussion in another place, and in a great many other places. It deals with unclaimed dividends and balances. After a very considerable amount of such discussion, a similar clause has been adopted and inserted in the Banking Act, and I propose to ask this House to adopt the clause which I will read, and which is practically identical with that placed in the Banking Act on the same subject. I may say that the original proposition, as contained in the Banking Act, was that a return should be made of the unclaimed dividends and balances to the Government, and after the lapse of a certain period these dividends and balances were to be paid over by the bank to the Government, to be held for the owners by the Government, instead of by the banks. As it was contended that that was not reasonable, after a good deal of discussion it was finally determined that the banks themselves should retain these unclaimed balances, but should furnish statements of them, and such information respecting them in such a form that persons having balances due to them, whether as original proprietors or as heirs, could learn of the existence of those balances, and thereupon would have the right to recover them from the banks holding them. The grievance that the public generally felt about these unclaimed balances consisted simply in this: that the banks hold them, giving no information to anybody, nobody knowing anything about them, except those who made the deposit. If the depositor died, and his book happened to be mislaid, his heirs or representatives might know nothing about the deposit, and in the case of poor people who are entitled to small amounts in that way they would very probably never discover anything about them. The consequence would be, that after the death of the person who made the deposit the money would lie unclaimed for all time, and the persons who should have it would be deprived of its use. It was contended by the banks that these balances did not amount to such a large sum as people imagined; but the people seemed to think that the money did not belong to the banks, whether much or little, but to those who inherit it, or to whom it was bequeathed, and therefore they ought to have some means of knowing of the existence of these deposits. The project as agreed upon in the other House is, to adopt a sensible mode of procuring from time to time statements of those balances, showing to whom they are due, and how long they have remained unclaimed, and all particulars about them. It is intended that this information shall be classified

and placed in alphabetical order in the books of the Department, so that anybody who supposes that a departed ancestor or relative had money deposited in the bank can ascertain the facts readily. I will now read the clauses, with the permission of the House:—

"The bank shall, within twenty days after the close of each calendar year, transmit or deliver to the Minister of Finance and Receiver General, to be by him laid before Parliament, a return of all dividends which have remained unpaid for more than five years, and also of all amounts or balances in respect to which no transactions have taken place, or upon which no interest has been paid during the five years prior to the date of such return; Provided always, that in case of moneys deposited for a fixed period, the period of five years above referred to shall be reckoned from the date of the termination of such fixed period.

"2. Such return shall be signed in the manner required for the monthly returns under section thirty-one of this Act, and shall set forth the name of each shareholder or creditor, his last known address, the amount due, the agency of the bank at which the last transaction took place, and the date thereof; and if such shareholder or creditor is known to the bank to be dead, such return shall show the names and addresses of his legal representatives so far as known to the bank. If the bank neglects to transmit or deliver to the Minister of Finance and Receiver General the return above referred to, within the time hereinbefore limited, it shall incur a penalty of fifty dollars for each and every day during which such neglects continues.

"4. Upon the winding-up of the bank in insolvency, or under any general Winding-up Act or otherwise, and before the final distribution of the assets, or within three years from the commencement of the suspension of payment by the bank, which ever shall first happen, the assignees, liquidators, directors or other officials in charge of such winding-up shall, notwithstanding any statute of limitations, or other enactment or law relating to prescription, pay to the Minister of Finance and the Receiver General, out of the assets of the bank, any moneys payable either to shareholders or depositors which may then remain unclaimed, and upon such payment being made the bank and its assets shall be relieved from all further liability in respect to the amounts so paid.

"5. The moneys shall be held by the Minister of Finance and Receiver General, subject to all rightful claims on behalf of any person other than the bank; and in case a claim to any moneys so paid as aforesaid should be thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct payment thereof to be made to the parties entitled thereto, together with interest on the principal sum thereof at the rate of three per centum for a period not exceeding six years from the date of payment thereof to the said Minister of Finance and Receiver General as aforesaid: Provided, however, that no such interest shall be paid or payable on such principal sum unless interest thereon was payable by the bank paying the same to the Minister of Finance and Receiver General.

"6. As a condition of the rights and privileges conferred by this Act, or of any Act in amendment thereof, the following provision shall have effect, viz.:—The liability of the bank under any law, custom, or agreement to repay moneys deposited with it, and interest (if any), and to pay dividends, declared and payable on its capital stock, shall continue, notwithstanding any statute of limitations, or any enactment or law relating to prescriptions.

"(2.) This section applies to moneys heretofore or hereafter deposited, and to dividends heretofore or hereafter declared."

HON. MR. KAULBACH—Does that apply to Government savings banks?

HON. MR. ABBOTT—This Bill only applies to those two savings banks. The question of the Government savings bank will not come up in the Banking Act either, but I presume that similar provisions will be made in the Savings Banks Acts.

HON. MR. MURPHY—Are these the provisions that have been agreed upon for the general Banking Act?

HON. MR. ABBOTT—Yes.

HON. MR. BELLEROSE—I consider that this is not an equitable provision, because these balances are not the property of the bank or of the Government. If it is not known who owns them, they should go to increase the fund for the poor.

HON. MR. ABBOTT—My hon. friend will see that the money is retained by the bank subject to the claim of the owner.

HON. MR. MURPHY—It is a very good provision.

HON. MR. PROWSE—In the case of an insolvent bank that is not able to pay its lawful creditors, they would certainly have a better claim for the money than the Government, who have no interest in the matter at all; though there would be a difficulty there in case of the claimants turning up afterwards, and there would be no funds to meet their claim; but if there was a reasonable number of years during which this money could be held, and no claim was put forward, it should be distributed amongst the unfortunate creditors of the bank.

HON. MR. ABBOTT—The clause provides that so long as the bank is solvent it retains the money, and if the owner turns up he can claim it. If the bank becomes insolvent the proportion of the funds that is due to the claimant is handed over to the Government, to be held for the claimant.

HON. MR. DRUMMOND—I disclaim, in advance, any inference being drawn that if

we adopt this clause in this Bill that we are committed to adopt it when it comes up in the general Banking Act. The objection which strikes me, to which this clause is liable, is this, that when these returns are made to the Government, and published, as they will be, in Parliament, it will open a field for people to get up claims for unclaimed dividends and balances to which they have no right whatever. It will in fact be an inducement held out to land sharks to make claims for unclaimed balances. If a bank were absolutely required, whenever an account was dead for a number of years, to use all diligence and post notice to the latest known address of the parties, it would be likely in such cases to fall into the hands of the heirs. I think it is desirable that the banks should not be permitted to sit down on those balances without making an effort to find out the owners. I entirely approve of the provision that the statute of limitations should not be applied to such balances. The banks should never acquire any ownership in such cases by lapse of years, but I object to the publicity, which is not practised elsewhere, except in some parts of the United States.

HON. MR. KAULBACH—The fact of giving publicity to it may be the means of finding out the ownership.

HON. MR. ABBOTT—That is precisely the difficulty of my hon. friend's plan. What machinery has the bank to discover the heirs of a mechanic, or tradesman, who has made deposits with it, and has died? It is no part of the organization of a bank to have people who can make researches into pedigrees or successions; and if they had, how would they find out the heirs of a man who has come from England or Scotland and earned money in Montreal or Quebec, which he has deposited in the bank, and died? How are they to find out what part of the old country he came from? This plan appears to afford to everybody the means of ascertaining at once whether there is or is not any balance in any bank to which they have any claim. I do not attach very much importance to the possibility of the banks being troubled by sham claims, for the same argument might apply to a man's visible property. It certainly seems to me to be a lesser evil to trouble the banks with a few claims which may not be well founded, perhaps, than ot allow the banks practically to appropriate large sums of money to which they have no shadow of claim, any more than the land sharks to which my hon. friend refers.

HON. MR. POWER—The provision I think is a very admirable one, but this question has occurred to me: If I remember right, the closing sub-clause of the new section provides for the money being paid over by the Minister of Finance to the persons who may prove to be entitled to it. Now, supposing, for instance, that it is the case of what it would be if it were real property—a case of escheat—would not that come rather within the jurisdiction of the Provincial Government? I do not wish to be understood as saying that the clause should be improved, but that question has occurred to me in connection with it. The money happens to be in the bank, but within the jurisdiction of the Probate Court, and the executor or administrator of the depositor is entitled to get this money if he proves he has a right to it. I presume that the Finance Minister would pay it over when the claimant established his right to it.

HON. MR. ABBOTT—My hon. friend's question is one which has caused a good deal of consideration. It is one of considerable importance. The Bill, as my hon. friend perceives, carefully avoids conferring any title to the money upon the Dominion Government. The only case in which escheats could occur is the case of an absolute failure of heirs to the deceased, and it is not settled yet whether the Dominion or Local Governments is entitled to the escheat. The ruling so far seems to be in favor of the Local Government, but in that case they would come in as claimants upon the Dominion Government for the money as pertaining to them as escheat.

HON. MR. DRUMMOND—If the general Banking Act comes into operation at once, and all the deposits would have to be declared at once, I know of some cases in which it would do individual hardship to apply it in such a way. I know of one case where a father had invested a large sum of money in the names of his children which it was not intended to disclose until the age of twenty-one was attained by each individual. In that case he would have to

take some other method of keeping the secret.

HON. MR. POWER—No; the Bill provides for that.

HON. MR. DRUMMOND—If, for instance, the year before this law goes into operation he had done it, at the end of five years he would have to make a disclosure which would be inconvenient. Sometimes a married woman has a deposit which she does not want to be known, and *vice versa*, the husband may have a deposit which he does not want his wife to know of, and it would be hardship in individual cases if they were compelled to publish it, and I would throw out the suggestion that some means should be afforded by which a knowledge that such a deposit was in existence and such dividends were unpaid could be obtained without publicity.

HON. MR. DEVER—I believe there are many cases where moneys are deposited by parties who do not want it to be known to anybody. One case came under my observation not long ago where $20,000 had been deposited by a man's wife, unknown to him, until he was dying, and it was such an extraordinary matter that it became the subject of conversation throughout the community.

HON. MR. DRUMMOND—I am very glad of the confirmation that has come from my hon. friend, and I think it is a solid objection that cannot be ignored. The object of the framer of the Bill in its present shape is identical with the idea that I have. It is, that the bank shall be compelled to exercise every reasonable diligence to find out and notify depositors; but with regard to publicity, I can see the difficulty and danger that will attend it.

HON. MR. MURPHY—Would that publicity mean an advertisement in the newspapers, or is it simply a Parliamentary return—a Blue-book?

HON. MR. DRUMMOND—Publication in a Blue-book is, practically, publishing it to anybody who makes it his business to find out what these deposits are.

HON. MR. MURPHY—I may say from experience that there are several thousand accounts in that way in the bank I am connected with—accounts of married women who are obliged to support themselves, and sometimes drunken husbands. By our special rules we have a right to take these deposits without any conditions as to marriage contracts or anything else, and many such accounts are the savings of poor women who are washing or scrubbing to support drunken husbands. There would be no end of trouble if those deposits had to be made known, and that is the reason I suggested in the clause the leader of the House has read to us, if it was not finally decided on in the other House, that the publication should be every ten years. That would do away with some of the practical difficulties described by the hon. gentleman from Kennebec, and that I have just instanced myself.

HON. MR. ABBOTT—Let us see what the provision is, and ascertain if there is really any such difficulty as appears to be suggested. The only cases in which this return is required to be made are cases where, in the language of this clause, "all dividends which have remained unpaid for more than five years, and all amounts of balances in respect to which no transactions have taken place, or upon which no interest has been paid during the five years prior to the date of the return." Now, take the cases which have been mentioned. If a man makes a deposit payable to his child at the age of 21, no return is required to be made of the deposit until five years after the child has reached the age of 21 years. That would entitle the deposit to lie in the bank without publicity of any kind until five years after the child had reached his majority. If it remains as long as that, the probability is that the child knows nothing about it. If it is not made upon the express condition, and only with the intention in the mind of the depositor, that it shall remain there, if within five years he chooses to deposit a dollar to that account, or withdraw a dollar and deposit it again, it is exempt from publicity for another five years. Then, take the case of a poor woman who is working to support her family, who has a dissipated husband, who, if he knows of her hoard, will perhaps force it from her. It is not to be supposed that a woman who is in that position will allow a deposit to remain for five years without adding to it, or taking some of it out, and

if it should happen that it remained undisturbed for five years she can make it a live deposit, and avoid publicity by taking out a dollar, and depositing it again at any time during the five years. Under such circumstances as this, one could scarcely imagine that there ever would be a case of hardship of that kind; and surely we must not deprive the public of the great advantages that I think will be derived from this clause in its present form, by making provision for cases of such infrequent occurrence and involving such unusual circumstances as to be almost impossible.

HON. MR. DRUMMOND — What is wrong with the suggestion to make the publication in ten years instead of five?

HON. MR. ABBOTT—Ten years is too long. Why should people be deprived of the use of their money for five years more if they are reasonably entitled to have it!

The clause was agreed to.

On clause 36,—

HON. MR. DRUMMOND—The returns required by the Government under this clause are made by the officers of the bank, and signed, as a matter of course, by the president, vice-president or directors. Here we have a provision that every president, or vice-president, who signs or approves false returns shall be held to have wilfully made such false statement. It is perfectly clear that the president, vice-president or director who signs a report of that kind under this clause must thereby incur a certain amount of responsibility, and there ought to be some kind of qualifying adverb, such as wilfully or knowingly, put to it.

HON. MR. ABBOTT—It is the law at present.

The clause was agreed to.

HON. MR. McCALLUM, from the committee, reported the Bill with certain amendments.

The amendments were agreed to.

The Bill was then read the third time, and passed.

GAS INSPECTION BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (137) "An Act to amend the Gas Inspection Act, chap. 101 of the Revised Statutes."

(In the Committee.)

On the 1st clause,—

HON. MR. CLEMOW—There is a slight amendment required to this clause, in the 18th line. According to this clause a gas company could be be compelled to run a line of main three or four miles to a testing place.

HON. MR. ABBOTT—I do not know whether we have any reason to suppose that in selecting a proper place for a testing place the Minister is likely to put my hon. friend to such great expense.

HON. MR. CLEMOW—There are lines of main through every city where the inspector could have his testing place convenient to it; but an inspector might under this law compel a main to be laid a long distance, and put the company to unnecessary expense. I would like to amend the clause to confine the testing place to within a certain distance of the line of main.

HON. MR. ABBOTT—I have no objection if my hon. friend would name a distance, say within a hundred yards from the line of main. We will allow the clause to stand until Monday, and in the meantime I will consult my colleagues on the subject.

HON. MR. POWER—The first clause makes the expression "gas" include natural as well as manufactured gas. It appears to me that there are a great many provisions in the Bill that are not applicable to natural gas.

HON. MR. ABBOTT—I talked it over with the Minister, and he concluded that there was nothing in the Bill applicable to manufactured gas that should not be applicable to natural gas, where it is possible to apply it.

HON. MR. POWER—I see that subclause 2 provides that until connections with the testing place or places have been made to the satisfaction of the inspector, the selling of gas shall be illegal, and shall subject the undertaker to a penalty of $50 for each and every day during which illegal selling takes place.

HON. MR. CLEMOW—We expect a reasonable interpretation of all these

clauses. The inspector might expect a gas company to extend their mains an unreasonable distance.

HON. MR. POWER—The Acts that we put on our Statute-books in connection with the Departments of Customs and Inland Revenue, if they were passed in Rus sia, and were published broadcast in this country, would be looked upon as measures that could only become law under a des potism. The rights of the citizen are of no account whatever.

HON. MR. ABBOTT—My hon. freind must see that where citizens themselves pass the laws, as they do here, there can be no complaint of despotism, and if the laws are made severe, it is because the public health is at stake.

THE SPEAKER—I am afraid that some of the restrictions contained in the first clause would be difficult to apply to gas supplied from a natural well.

The clause was agreed to.

On section, 3—

HON. MR. ABBOTT—This section will have to amended. The clause as it stands imposes a penalty on every undertaker furnishing gas for illuminating purposes which exhibits traces of sulphuretted hydrogen. The second portion of the same clause provides a penalty for every undertaker who furnishes gas for illuminating purposes which exhibits ammonia, or sulphur in other forms than sulphuretted hydrogen. In this latter case there is no distinction in the penalty imposed as to the number of customers and the quantity of gas furnished. The penalty is made $10 a day for each day during which the manufacturer or producer furnishes impure gas, without making any distinction similar to that in the first clause as to the magnitude of the offence. It is proposed to make the same scale of fines in the case of gas tainted with sulphur or ammonia as in the former case, where it is tainted with sulphuretted hydrogen. The presence of these elements in the gas is only a matter of inconvenience. The gas so tainted is not absolutely poisonous, and the penalty need not be so severe, and I propose to amend the latter part of the clause by providing as follows:

"Page 1, line 40.—Leave out from 'incur' to 'for' in page 2, line 1, and insert 'Penalties, as follows: for the first offence, if such undertaker has more than eight thousand customers, thirty dollars; if less than eight thousand and more than four thousand, fifteen dollars; if less than four thousand and more than one thousand, ten dollars; and if one thousand or under, five dollars."

HON. MR. KAULBACH—Is not the amount of sulphur permitted regulated by the Minister of Inland Revenue?

HON. MR. CLEMOW—Yes.

HON. MR. KAULBACH—Is ammonia found in our coal?

HON. MR. CLEMOW—Yes.

HON. MR. DRUMMOND—A fine of $10 or $15 would be a mere bagatelle. A gas company in a large town supplying gas would not mind it. It would be simply a matter of calculation whether it would be better to supply a lower scale of illuminating power and pay a fine every time they were found out, deliberately doing it, as a matter of economy. I think that the scale of penalties in the last part of the clause should be quite as high as the scale in the first part of the clause.

HON. MR. KAULBACH—Sulphuretted hydrogen is more poisonous than ammonia or sulphur, and therefore there should be a heavier penalty for it.

HON. MR. CLEMOW—Sulphur and ammonia are not poisonous. So far as illuminating power is concerned, it is almost impossible, when the mercury goes below 30 degrees, to keep the gas up to standard quality.

HON. MR. DRUMMOND—It might be a matter of economy for a company to supply gas of lower illuminating power, and pay the penalty, as compared with the increased cost of supplying pure gas.

HON. MR. OGILVIE—As to the ability to keep sulphuric vapors out of the gas produced from the coal that is used here, I have to say that I built a gas-house in St. Joseph, Missouri, where the coal that is used has ten times the amount of sulphur in it that the coal has here, but they washed the sulphur out of the gas. The reason why the gas is not better here is simply because the company do not take the trouble to wash out the sulphur.

HON. MR. ABBOTT—I think there is a good deal of point in the objection taken by the hon. gentleman from Kennebec.

No doubt, if the company has a great many consumers, they might find it a matter of economy to decrease the illuminating power of the gas and pay the penalty. And I am prepared to increase the penalty for undertakers furnishing a larger number than 4,000 customers.

HON. MR. POWER—The difficulty is, that there are two offences mentioned which are very different in their character. The coal which is generally used in eastern gas works has a good deal of sulphur in it, and to impose a heavy penalty because traces of sulphur and ammonia are detected in the gas would be unreasonable; on the other hand, it would not be at all unreasonable to impose a fairly severe penalty for supplying gas of insufficient illuminatiug power. I do not think that the penalties should be tied together the way they are.

HON. MR. ABBOTT—My hon. friend perceives that by this clause the two offences are placed in the same category, and for this reason: It is not only that the undertaker is furnishing gas which shows traces of sulphur and ammonia, but that it contains those elements to an extent beyond the standard fixed by the Minister of Inland Revenue which renders him liable to the penalty. It is impossible or extremely difficult to exclude sulphur or ammonia altogether, but if it exceeds the maximum quantity then it renders the producers liable to a penalty. The regulations fix both the minimum in one case and the maximum in the other.

HON. MR. POWER—I do not desire in any way to reflect on the integrity and honesty of the officials in the Inland Revenue Department, but one can see what a temptation may be put in the way of anyone who has to fix the amount of ammonia or sulphur that may be in gas. As I understand, there is much less ammonia and sulphur in the coal imported from the United States than in Canadian coal. What is to hinder an American from getting hold of the officer whose duty it is to report on this question, and make it very well worth his while to fix the amount of ammonia and sulphur so low as to let the American coal come in and shut out the Canadian coal? I do not mean to say that it is a probable thing, but still the clause is open to that, and I think we ought to be very careful of what we are doing. The country has gone to great expense, and adopted a policy which injures a good many for the purpose of increasing the sales of Canadian coal, and I do not think we should do anything now which might possibly deprive the Canadian coal mines of very valuable customers.

HON. MR. CLEMOW—There are a great many difficulties respecting this Act and respecting this provision. For instance, the tests are only made periodically. During the quarter your gas may increase in illuminating power to a very large extent, but if you are once below the standard you are subject to a fine under this law. The same way with sulphur: one day you may have a quantity in excess of what is required by law, while on most occasions it is less. I think there should be an average for the manufacturer as well as for the consumer. As far as sulphur is concerned, it is utterly impossible to exclude it from the manufacture of gas so long as our own Canadian coal is used. Of course, if you say that provincial coal shall not be used, we will have to obtain it from the United States, or from England, but you must give us sufficient time to furnish purification machinery to meet the altered state of circumstances. The gas companies are under the supervision of the inspectors, and I know from my own experience that that is often a cause of great trouble. We had an inspector here who unfortunately became insane, and he reported our gas under the standard. Afterwards it was found that he had reported incorrectly, but it was only after great damage was done to our company.

HON. MR. ABBOTT—I think the general impression of the public, if the inspector found the gas below the standard, would be, that he was extremely sane instead of being insane. Perhaps my hon. friend, however, is justified in this instance in saying that the inspector was insane. The illuminating standard is fixed by this Bill; it is only the maximum quantity of ammonia and sulphur that may be in gas that is fixed by regulation. The process by which this sulphur or ammonia is to be detected is fixed by the schedule, and the regulations as to the quantity have to be made by the Minister of Inland Revenue. I think we may fairly conclude, although

perhaps I cannot ask so much from my hon. friend, that we should have sufficient confidence in a Minister who makes a study of these things to know that he will not be easily gulled as to the quantity of sulphur and ammonia. If he tests the gas, the proportions which should exist are everywhere recognized, and are to be found in any treatise or book dealing with this particular subject. The proportion of these elements which may be permitted to remain in gas, without seriously affecting its quality, is not subject to any dispute, so I do not see how there could be any deception practised on the Minister. He should know from books and experienced persons the maximum that ought to be there. He has the process prescribed to him by this Act, by which he can find out what is actually in the gas, and unless we could assume that he could be bribed to make an insufficient regulation, I do not see how any difficulty could arise.

HON. MR. POWER—The hon. gentleman probably knows very well that I did not dream of attributing anything of the sort to the Minister. Possibly the Minister of Inland Revenue does test everything that comes under his Department: he may test the gas, he may taste the whiskey and smoke the cigars, and test everything of that sort, but it is not to be presumed that it is the duty of the head of the Department to make himself familiar in all these things which come uuder the jurisdiction of his Department, so that he shall be directly and personally responsible for everything that is done. The Minister does, as the hon. gentleman from Kennebc said a while ago the president of a bank does: if the subordinate whose proper duty it is to look after a certain matter reports to him, he assumes that the official has done his duty and gives effect to the report. It has happened before, and it may happen again—in fact, we have had instances within a comparatively short time where crooked transactions have taken place in a Department of the Government here, and I do not think that important interests should be left at the mercy of any subordinate officer of the Government.

The clause was adopted.

On the 6th clause,—

HON. MR. CLMEOW said: I do not see how they are going to carry that out. The pressure varies in every place; it depends entirely on the locality of the city and the levels. In Toronto, where they have a very level place, the pressure is very different from what it is here or in Quebec, although the Toronto people do object very seriously to it. I have a letter here from the manager of the Toronto Gas Works in which he says that he thinks it is a dangerous power to place in the hands of the Government. It is almost an utter impossibility to regulate the pressure: every gas company must regulate its own pressure. I do not see the object of putting that clause in the Bill.

HON. MR. OGILVIE—I can see the object very well: it is the easiest thing in the world to know why. In small towns, if they put on a little extra pressure they can make the meter register from 10 to 30 per cent more. I have, myself, for an experiment, tried it in the city of St. Joseph, Missouri, and by putting an extra pressure on the gasometer we could raise the quantity of gas going through the meters in the town 25 or 30 per cent. without the consumers being much better off for it. I do not say that any Canadian companies do it, but it is possible. Then, as to different pressures between high and low levels, everyone knows that the high level gets more pressure than the low level. In Montreal we often have first rate pressure on Dorchester street when they have poor pressure below. The pressure is regulated by the quantity of gas used. If they are short of gas and the pressure is taken off, you do not use so much. I have seen it tested and proved, and I know that if a dishonest company wished to put on extra pressure they could force from 10 to 25 per cent. more gas through the meter than with ordinary pressure, and you would not be better off in the way of light.

HON. MR. ABBOTT—I am very thankful to have this explanation; for two reasons: In the first place, my hon. friend has shown the necessity for this provision in much clearer language than I could have employed; and, in the second place, he has explained what has hitherto been an extraordinary phenomenon to me, that although the price of gas has been reduced twice or three times in the city where I live, my bill for gas used in the same house, with the same number of burners,

and the same occupation, has never been reduced, but has gone on increasing, although the price of gas has been diminished.

The clause was adopted.

HON. MR. SULLIVAN, from the committee, reported the Bill with amendments, which were concurred in.

HEREFORD RAILWAY COMPANY AND MAINE CENTRAL RAIWAY CO.'S BILL.

FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (147) "An Act respecting the Hereford Railway Company and the Maine Central Railway Company."

The Bill was read the first time.

HON. MR. COCHRANE moved that the Rules of the House be suspended to permit the second reading of the Bill presently.

HON. MR. POWER—We should have some explanation of the reasons for suspending the rules in this instance.

HON. MR. DICKEY—The original Act of incorporation gave power to this company to make leases with other lines, and three years ago arrangements were made with the Boston and Montreal Company and the Atlantic and North-West Company. At that time the Maine Central Railway was not within hailing distance—was not in a position that they supposed they would ever have any connection with it. It seems now, from the advance made with the Maine Central line, that they will require power to connect with the Maine Central for the purpose of getting traffic and making money out of their undertaking. The matter is somewhat urgent, because it has to be done promptly. That applies to the first clause of the Bill. The second clause arises from the fact that they have been in negotiations and are about preparing leases—in fact, have agreed upon the terms of these leases, and all they want is the legislative power to make them. The reason why the second clause is necessary is that they are now being made. This second clause validates the leases made before the Act passes, provided two-thirds of the shareholders consent, and provided it receives the sanction of the Governor in Council.

HON. MR. KAULBACH—Then, these circumstances have occurred lately, I suppose?

HON. MR. DICKEY—I mentioned that it has only recently occurred, and that is the reason why they have so lately given the notices.

HON. MR. POWER—I do not understand what has only recently occurred. The Maine Central Railway has been a long time built.

HON. MR. DICKEY—When this charter was granted three years ago it was never contemplated that they would be within hailing distance of the Maine Central, but they asked the power, and got it, to connect with other lines. Latterly, in consequence of the extension of the Maine Central, they have come within striking distance, and they have entered into arrangements quite recently. If ever there was a case for a suspension of the rules, this is one. That was the view taken by the leader of the Opposition and the leader of the Government in the other House.

The motion was agreed to, and the Bill was read the second time, under a suspension of the Rules.

SEAMEN'S ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (135) "An Act to amend 'The Seamen's Act,' cap. 74 of the Revised Statutes." He said: Section 118 of the Act respecting the shipping of seamen provides for the punishment of seamen and others connected with them, for offences which are described in the Act, and also that there shall be no appeal from any conviction made for an offence under the Act, and that no conviction shall be quashed for want of form or removed by writ of *certiorari*. That provision is very stringent indeed, inasmuch as no matter what injustice may be done the defendant has no relief whatever, and it has been a subject of complaint in a good many quarters. A Bill has been passed in the House of Commons striking out these words—"or be removed by *certiorari* or otherwise into any of Her Majesty's Superior Courts of record," in order that if there has been an improper conviction the defendant shall have some remedy. Notwithstand-

ing the apparent reasonableness of that proposition, strong representations have been made against it from the principal ports of the country, and finally it has been determined that there shall be a modification of this, which will prevent the power of obtaining a writ of *certiorari* from being used to defeat the ends of justice. In any case where the offender is only temporarily here, of course to give him the power of applying for a writ of *certiorari*, which, in Quebec, at all events, suspends the the proceedings on the conviction, would be practically to defeat the ends of justice, because before the *certiorari* could be got rid of and the writ enforced the offender would be beyond the jurisdiction of the court. All that would be needful for an offender to do who is convicted at any port in Quebec would be to notify the prosecutor and the magistrate that he proposed on such a day to apply for a writ of *certiorari*, and after receipt of that notice the magistrate would not proceed to issue any writ or warrant in pursuance of the conviction. That, of course, is a grievance which gives the Boards of Trade a right to complain, and I propose when the Bill goes to committee to suggest a modification to this clause—a proviso which will provide in effect that where a writ of *certiorari* is applied for the mere notice of application or the application itself shall not suspend the proceedings on the conviction, but such proceedings shall only be suspended upon an order of the judge to whom the application is made or to be made for cause shown. As I propose to change it, the law will be that the offender will have redress by moving the conviction to a higher court, and if he shows a *prima facie* case to that higher court he can get an order from the judge to stay proceedings.

HON. MR. DRUMMOND—The objection of the Board of Trade is that this measure has been brought forward at a late stage of the Session, and without sufficient notice, so that the effect of the change could be duly considered; and while I have no doubt that the amendment which has now been proposed by the leader of the House will cover the ground and remove the difficulty to a large extent, still it will be open to the objection that there is no time to consider the effect of it. Under the circumstances, I have no doubt whatever that this honorable House would desire to do full justice to the seamen, and see that they are not punished recklessly or wrongly, but it would better to amend the Bill as proposed, and let it stand as amended until next year. I have not heard of any instance in which a crying evil h s resulted from the law as it stands on the Statute, book, and certainly the course of giving a little time for consideration, more especially to the shipping and commercial interests, would appear to be desirable at this advanced period of the Session. The amendment proposed by the hon. leader, for which I thank him, would still be open to the same objection of not being sufficiently considered. I have a letter from the Board of Trade, but as what they say would be modified, or perhaps entirely removed by the amendment now suggested, I do not say anything as to that; but they lay stress upon the suggestion that this Bill has not been made known at all to any of the shippers or merchants at the port of Montreal, while it has only recently been issued in amended form, and the council pray the Senate to reject the Bill this Session. In another letter, directed to the Acting Minister of Marine, the council of the Board of Trade say that they are impressed with the idea that in any case the amendment should not be made until there is ample time for the shipping interests to be heard from. I throw out the suggestion, as in duty bound, which has been placed in my hands. To express an opinion of my own on legal procedure would be in the worst possible taste, and I have no intention of doing so.

HON. MR. KAULBACH—I have no objection to further enquiry. From my knowledge of the country and my interest in shipping, of course I would be naturally opposed to this Bill, but the arbitrary power in the hands of a magistrate to punish a seaman without any redress has been exercised to such an extreme extent that this law cannot be too soon put in operation. However, as it affects largely the shipping interests, I have no objection to the suggestion of my hon. friend from Montreal being considered by the Government.

HON. MR. ABBOTT—It is more than a fortnight since I received an elaborate letter from the lawyer of some large commercial body in Quebec, and from some of

the larger shippers in Quebec, stating the objections to the Seamen's Act. It has been fully discussed in the House of Commons, and the discussion was taken part in by the leaders on both sides of the House, and the amendment was very warmly and unanimously approved of. For so simple a Bill as this, I think there has been plenty of time for consideration everywhere. I do not know exactly when it was introduced in the House of Commons, but it was some time ago.

HON. MR. KAULBACH—Nearly a month ago.

HON. MR. ABBOTT—This amendment fully meets the objection made by the Board of Trade of Montreal. Their objection is, of course, that by giving this remedy there is in fact no recourse left against a criminal. The remedy for that is very simple—that is, to prevent the writ of *certiorari* stopping the proceedings, unless the judge, on cause being shown, specially orders the suspension, which he will not do unless he has cause to believe that the conviction was entirely null. I believe that that will be sufficient, and I believe the shipping community have had ample time to consider the measure.

HON. MR. KAULBACH—I quite approve of the Bill.

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

PIOLOTAGE ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (DD) "An Act to amend 'The Pilotage Act,' Chapter 80 of the Revised Statutes." He said: This Bill is introduced for the purpose of curing a grievance which is reported from the Maritime Provinces, more especially the Bay of Fundy. It appears that although in our neighborhood, in the Gulf and River St. Lawrence, schooners up to 250 tons are relieved from compulsory pilotage, in that region schooners down to 125 tons burden are subjected to compulsory pilotage, and this is felt to be a great injury and grievance to the trade there in many respects. In the first place, it is said that the masters of these schooners are usually—in fact, it is said they are always—perfectly acquainted with the navigation of the Bay, and that pilots are really not required; that all the service that a pilot performs is to wave his flag on the vessel, and get paid a large and onerous pilotage fee, without any advantage whatever to the vessel. In order to escape this onerous tax, which amounts, they say, to 6 per cent. on the capital invested in the schooner——

HON. MR. POWER—Oh, no.

HON. MR. ABBOTT—That is the statement that is made to me on good authority, that in order to escape this onerous tax, vessels are built something less than 125 tons burden to avoid the compulsory pilotage. The result is, that a large number of small schooners are built which are infinitely less profitable than schooners of double the tonnage; and persons engaged in the coasting trade are driven to purchase vessels built in the neighboring State of Maine, which are within the required tonnage, and suit them better than the kind of schooner constructed in our own country. So this compulsory pilotage which is required there, though not required in other waters as intricate and dangerous as the Bay of Fundy, not only injures those who are subjected to this onerous tax, but discourages the industry of building ships or schooners down in those regions. It is to meet this difficulty that the Bill has been introduced, and for the further reason of exempting from such compulsory pilotage small steamers engaged in the coasting trade.

HON. MR. POWER—I do not know that that is an accurate description of the last part of the Bill. It covers all steamers employed on regular voyages between any port or ports in the Provinces, and any port or ports in the United States, or in the West Indian Islands, or in the Gulf of Mexico, or in South America. I think probably that is unobjectionable, because other steamers are exempt, and I presume the object of exempting steamers is to exempt the vessels, which are now subsidized by the Government to ply between the ports of the Maritime Provinces and South America, from compulsory pilotage. But with respect to the other provision, exempting all vessels of not more than 250 tons register, I do not feel at the present moment prepared to express an opinion, but I think we shall have this state of things, that it we exempt all vessels under

250 tons and all steamers, the number of vessels which will be obliged to pay pilotage dues will be very small. I suppose it is not a serious matter, but the fees of the pilots of the Lower Provinces will be very greatly reduced.

HON. MR. KAULBACH—We have no pilots in our harbor; we have such a good harbor that none are necessary.

HON. MR. ABBOTT—As a matter of course, it will affect the fees of pilots, but after all pilots are made for trade, not trade for the pilots.

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

The Senate adjourned at 6.10 p.m.

THE SENATE.

Ottawa, Friday, May 9th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (No. 147) "An Act respecting the Hereford Railway Company and the Maine Central Railway Company."—(Mr. Cochrane.)

DISCRIMINATION IN OCEAN FREIGHTS.

ENQUIRY.

HON. Mr. POWER rose to—

Ask the Government whether or not it is proposed to insert a clause in any contract for the carrying the mails between the United Kingdom and Canada, to the effect that higher freights shall not be charged on goods carried from the United Kingdom to a port of call in Canada than on similar goods carried to the final port of destination in the United States?

He said: The question which I ask involves a matter of some considerable moment, more particularly to the mercantile community in the lower Provinces. It has been suggested and urged by a great many writers and speakers that the lines of steamships which are subsidized by the Canadian Government should make their terminal harbors in Canada during winter as well as during summer. I do not myself urge that we should go as far as that, because it occurs to me that the subsidy which would be required to secure the services of a good line of steamers to make their summer and winter termini in Canada would be very large; but this practice exists in connection with those lines of steamers, that they charge a much higher freight on articles brought to an intermediate port in Canada than they do upon the same article brought from England to a port in the United States. In order to illustrate: the Allan steamers sail from Liverpool and come *viâ* Moville to Halifax, and from Halifax to Portland or Baltimore, and some years to Boston. They actually charge so much higher rates for freight and merchandise for Halifax than for the ultimate port of destination that the merchants and importers from Halifax have found it to their advantage to let the goods go to Portland and Boston and then have them brought back to Halifax by steamer. One case I remember which illustrates the practice; the freight on hardware from Liverpool to Halifax was 27s. 6d.; the freight from Liverpool to Boston was only 17s. 6d., and the freight from Boston to Halifax was only 4s. 6d., so the hardware merchants allowed their goods to go from Liverpool to Boston and then had them transshipped and brought back to Halifax by steamer, and saved some 6s. in freight. That is clearly a state of things that should not be allowed to continue, and I think a line of steamers subsidized to the extent of $140,000 a year should certainly not be allowed to charge more for freight from Liverpool to Halifax or St. John than for freight to Boston, Baltimore, or Portland. I may say that there is a precedent for adding the thing that is suggested by my enquiry. Some years ago, when Sir Leonard Tilley was Minister of Finance, a contract was entered into by a line of steamers running to Germany, and this provision was inserted in the contract made with that company. I do not think that it is too much to ask that a similar provision should be inserted in any contract, whether temporary or permanent, which is made with the Allan Company or any other company for carrying the mails between England and this country, and I hope that the Government will take steps in the future to see that this very serious abuse is remedied.

HON. MR. KAULBACH—It seems that this arrangement being entered into with the Allan Company is only for a year.

HON. MR. POWER—It is no matter if it is only for six months.

HON. MR. KAULBACH—I agree with my hon. friend that it is discriminating against our own ports, and favoring American ports at our expense, to allow these subsidized steamers to carry freight to foreign ports for less rates than they carry to our own. I hope the day will soon come when we will not subsidize any line of steamers that will not make their terminal port in Canada. I believe that so far it is no fault of the Government that they have not succeeded in doing so, but I trust that some means will be found by the Government to secure better facilities for transporting goods, not only through Canada, but also from Halifax to the United States—that the Government will soon find a way to have a terminal port in Canada for these subsidized lines.

HON. MR. WARK—There are reasons why the steamers should charge higher rates for calling at way ports than carrying through freights to their terminal port. They have to compete with ships carrying to Boston, and they go to ports where they get return cargoes, and these things enter into the consideration of freight rates with shipowners. If they have all the freight they can carry for Boston it is inconvenient for them to take any freight for Canada and leave freight for Boston behind. I do not say that they ought not to carry freight lower to Canadian ports than they do, but this fact should be taken into consideration, that these vessels have to compete with other ships going direct from Liverpool to United States ports, where they are sure of return freights at the ports where they discharge cargo.

HON. MR. ABBOTT—I am prepared to answer my hon. friend's question, but I think I can hardly allow the statement made with regard to freights to pass unchallenged, because the Government made very careful inquiry into that subject last year, and they were informed, and, as they believe, on the very best authority, that there was no discrimination or distinction made between the two ports, and they know freight was carried to Portland, which was the ultimate destination of these ships at the time, at a higher rate than to Halifax. The freight on goods carried by the lines to reach points in the interior, either in the United States or in Canada, *viâ* these two ports, costs more by Halifax than by Portland. But the reason of that is not an extra charge by the steamships; the extra charge is by rail. In one case they had 300 miles to travel by rail after landing, and in another case they had 800 miles to travel by rail after they reached land, and the discrimination against our own ports was made by the railways, necessarily, because of the greater distance of haul by land. The only way by which freight can be carried to points in the interior at equal rates would be for the steamships to carry the freight at an enormously less charge to Halifax than to Portland. That the Government found to be the actual state of the case. As respects the particular case which my hon. friend mentioned, if he will send me a note of it I shall have particular enquiries made into it, because the Government is most anxious to find if there has been any case of discrimination, and will be glad to know what the facts are.

HON. MR. POWER—If the Government will communicate with the Board of Trade at Halifax they will get the particulars.

HON. MR. ABBOTT—With regard to the question my hon. friend puts, it is the intention of the Government to take care in framing the contract to make such provisions as will prevent discrimination against Canadian ports.

HON. MR. OGILVIE—Is it not possible that a mistake may have occurred there altogether? The subsidized line of steamers did not take freight to Boston at all—it is another line of steamers.

HON. MR. ABBOTT—The statement has often been made that discrimination is shown in the rates charged by the subsidized steamers that call at Halifax and go on to Portland. The Government took every pains to ascertain what the facts were about this alleged discrimination in freight rates, and they became satisfied that it did not exist, as far as mail steamers were concerned.

HON. MR. OGILVIE—The mail steamers do not go to Boston at all; they go to Portland or Halifax, as the case may be, and the Government has no control whatever over the lines of steamers that are not subsidized.

HON. MR. HOWLAN—I can readily understand that neither the contractors nor the Government could control the freight. The contract with the Government is for carrying the mails, and not for freight, and the two would be entirely in opposition to each other. Suppose, for example, you had a contract for freight, it might interfere with the time of a vessel coming out, because the vessel will go where she can get the largest amount of freight. Another thing: a vessel cannot get cargo enough at Halifax, and must go for it to Boston. Take steel rails, for example: They are carried from Glasgow to London *viâ* New York cheaper than from Glasgow to London direct. Why? Because the vessels coming out must have dead weight to carry goods, and must also have dead weight to carry wheat back. I do not see how a line of steamers could contract to make freights cheaper to one port than to another; they must be governed by circumstances. The Allans or the Andersons, or any other steamship owners, would object very seriously to putting any clause in their charter requiring them to carry freight to any one port at the same rate as to another port. If a ship could get a full cargo at Halifax she could afford to make her freights less to Halifax than to Boston.

HON. MR. POWER—Does the hon. gentleman think it right and proper that a higher rate should be charged for bringing the same goods to Halifax, and dropping them there on the route to Portland, than is charged for carrying them to Portland?

HON. MR. HOWLAN—If I had the reasons which led to the fixing of the rates I would be in position to answer the hon. gentleman; but I presume that the gentleman who sits in the office at Liverpool and fixes the rate on freight knows better than either of us what is in the interest of his company.

HON. MR. POWER—The fact is, that there is more competition between Liverpool and Boston than there is between Liverpool and Halifax. The steamship company think they have a monopoly to Halifax, and they put on a higher rate. The hon. gentleman's distinction between freight and mails does not hold, because in the case I mentioned to-day the steamer brought freight both to Halifax and to Boston. She unloaded part of it at Halifax and went on to Boston, and the cargo which was landed at Halifax paid a higher rate of freight—not relatively, but absolutely a higher rate than the freight carried to the terminal point.

HON. MR. ABBOTT—Was this a mail steamer?

HON. MR. POWER—Yes. The particular instance that I mention occurred some time since, but I have been informed by merchants in Halifax that the same practice continued to other American ports. It is manifestly wrong and unfair. If we pay that company $140,000 a year for carrying the mails, we have a right to stipulate that they shall not discriminate against our ports. I simply ask that they shall not be allowed to charge more for carrying freight to Halifax than they charge for carrying it to a point four hundred miles further away.

HON. MR. HOWLAN—I understand that the bargain made with the line of steamers to carry the mails has nothing to do with freight.

HON. MR. POWER—I mentioned the fact that in a contract with a German company Sir Leonard Tilley had a provision such as I speak of inserted.

HON. MR. HOWLAN—What I say is this: Where the Government contracts with a line of steamers to carry the mails, that is an arrangement by itself, and therefore cannot, necessarily, interfere with the freight. If it did, it might amount to this—the Government might have to offer a higher premium for the carrying of the mails. It is fair to assume that the gentlemen who manage those steamship lines will not intentionally injure themselves, and if they charge a higher rate to Halifax than to Boston there must be some good reason for it. Surely they cannot be supposed to have any wish to injure Halifax; they are looking for the best returns they can get. I doubt very much if we

have a right to put a clause like that in the contract. The rates vary from week to week, and must be settled altogether in the interest of the shipowner himself. I do not think the Government have any right to interfere in the matter.

HON. MR. MILLER—I cannot agree with the hon. gentleman from Alberton. He is quite at variance with the hon. leader of the House, who has expressed his views on the subject in a manner satisfactory to every one who heard him. There is no reason why the Government, in making a contract for the carrying of the mails, may not stipulate that there shall be no discrimination against our ports and in favor of foreign ports. I do not see why that could not be done. The hon. gentleman from Halifax states that it has been done by Sir Leonard Tilley in a contract with a German line, and if it has been done in one case I do not see why it should not be done in others. The leader of the House tells us that the Government have made enquires as to this line discriminating against Canadian ports, and have failed to find that any such discrimination is practised. From the fact that they made the enquiry we must presume that the Government thought they could find some means of remedying it, and I should judge further, from the hon. gentleman's statement to the House, that they intend to see that in future contracts no such discrimination against our ports shall be allowed by vessels subsidised by the Government. The hon. gentleman from Alberton is at variance with the leader of the House on this subject. For my own part, I listened with the greatest satisfaction to the explanation given by the leader of the House.

HON. MR. DRUMMOND—The enquiry of the hon. gentleman will do good by attracting attention to the subject, but it is not an easy question to settle. Take the Allan line, for instance: they have twenty-five or thirty steamers, six of which are engaged carrying the mails. Would the hon. gentleman hold a line over the freight of all the steamers of the company?

HON. MR. POWER—No; I refer only to the mail steamers.

HON. MR. DRUMMOND—Now, that question of freight is beset with anomalies which arise every day, and which are perfectly well known to every commercial man. Sometimes you find arrangements made by which freight is carried a long distance for less than a shorter distance. Sometimes the rate on freight landed at Montreal is higher than on freight which is carried to points in Ontario. It is a vexatious thing, and I admit that the merchants of Halifax have good reason to feel irritated when such a case occurs, but I doubt whether, as a practical question, the Government of Canada, by any means they possess, except the indirect power of giving or withholding a contract, could exercise any control over the Allan or any other steamship line with reference to freight rates. It would be something like the Inter-state Commerce Act, which makes a difference between the long haul and the short haul, and I do not see how it could be dealt with on the high seas, which do not belong to Canada. I think the hon. gentleman from Halifax should be content with having elicited from the Government the assurance that the subject will meet with every consideration in the making of any future contract.

GAS INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The Order of the Day being called,—Third reading Bill (137) "An Act to amend 'The Gas Inspection Act,' Chapter 101 of the Revised Statutes," as amended.

HON. MR. ABBOTT said: I have discussed the suggestions of my hon. friend from Rideau division with my colleague, and there are one or two amendments which I think should be made, and there is one also which the discussion yesterday suggested, and which I desire to make—that is to say, with regard to the penalties for allowing the presence of sulphuretted hydrogen, in respect to large numbers of customers, not to increase the rate of the penalty, but to increase it when the number of customers is greater than already contemplated by the Act. For these reasons I move that the Bill be not now read the third time, but that it be re-committed to a Committee of the Whole House for the purpose of making these amendments.

The motion was agreed to.

(In the Committee.)

HON. MR. ABBOTT said: My hon. friend suggested the possibility of the place for the testing of gas being located a great distance from the mains, and thereby causing an unreasonable amount of cost to the gas company. We spoke of 100 yards yesterday, and I am prepared to say we are willing to consent that the obligation shall only extend to a location not more than 100 yards from some point on the mains. My hon. friend also observed that there was no provision that the company should receive notice of the location of the testing place. I propose to amend the clause to require that notice shall be given.

The amendments were made accordingly, and the clause, as amended, was adopted.

HON. MR. ABBOTT—We yesterday made provision for extending the penalties to the case of a larger number of purchasers than are mentioned now in the Act, and I wish to amend the Bill to make the same extension of penalties in the case of sulphuretted hydrogen.

The clause was accordingly amended and adopted.

HON. MR. PAQUET, from the committee, reported the Bill with the amendments, which were concurred in.

The Bill was then read the third time, and passed.

SEAMEN'S ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (135) "An Act to amend the Seamen's Act, Chapter 74 of the Revised Statutes."

(In the Committee.)

HON. MR. ABBOTT said: As I mentioned yesterday at the second reading of the Bill, I propose to ask the House to pass an amendment to section 1, as it stands now. This section was prepared, as I explained at the second reading, in deference to the opinions and representations of a great many people in the various seaports, urging that the very greatest failure of justice frequently occurred in the conviction of persons under the Seamen's Act, in consequence of there being no remedy whatever against the first conviction, no appeal of any kind, no right of having a conviction modified or quashed. This was represented so strongly in the House, and outside of the House, that the Government thought it right to give relief. That relief they proposed to grant by striking out the provision prohibiting the removing of a case by *certiorari*. That being communicated to those interested in shipping, we heard the other side. They insisted that if the right of *certiorari* remained the Act would be useless—that no magistrate would issue a warrant or writ of any kind, or take any step whatever on a conviction, with a notice before him of an application for *certiorari*. That also appeared entitled to consideration. The plan by which it is proposed to meet this difficulty is to add the following proviso:—

"Provided always, that proceedings upon any conviction or order shall not be stayed by reason of any application to remove such conviction or order to a Superior Court, or of any notice of such application, unless the court or judge to which the application is made, or is to be made, shall order such stay of proceedings upon special cause shown."

If that proviso is inserted the convicted person will have a right to give notice of application for *certiorari*, and the proceedings would be stayed if he showed reasonable cause for staying the proceedings.

HON. MR. DRUMMOND—Yesterday I presented the views of the Board of Trade and shippers of Montreal on the Bill as it stood. The amendment of the hon. leader of the House to a large extent appeared to remove the objections which were then presented by the shipping interest, but as the matter was of great importance, and the time extremely limited, I telegraphed the amendment, which the hon. leader was good enough to give me for the purpose, to the Board of Trade last night, and this morning I had the following reply:—

"The shipping interest insist that any amendment of the Seamen's Act is uncalled for and unnecessary, and that the proposed modification does not appear to remove the objectionable feature of the Bill. The shipping interest, therefore, simply protests against its passage, and leaves the responsibility with the Government."

Of course, on a purely legal question like this I have no opinion to offer to the House at all. The only thing was, that the shipping interest pleaded yesterday for delay, in order to have the original Bill more fully considered, they not having had it in their possession for more than a very short period. This objection

still more applies, probably, to the amendment which is now before the House, as they could not have had it in their power to consult a lawyer as to the effect of this amendment, having received it probably this morning. In the House of Commons this Bill was introduced by the Minister of Marine and Fisheries of his own motion, and I do not know that in presenting it to the House he instances any particular case in which hardship was inflicted; but it was obvious that to withdraw all appeal from the decision of two justices of the peace, in a small port, for instance, would lead to the infliction of hardship on the seamen; but the obvious necessity of this case is that justice should be administered, in the first instance, and, in the second instance, that it should be swift and absolutely without delay, as the ship might be sailing. Take the example of a ship calling at Sydney for coal and a mutiny occurring amongst the crew. There would probably be no judge at that port, but two justices of the peace could act and commit the seamen to a period of imprisonment which, I think, under the Act, is not exceeding twelve weeks for certain offences. Very great hardship might be inflicted in that case, but if, by the aid of some local lawyers, the case could be lifted out of the hands of those justices, and referred to the nearest town in which a superior court judge could be found, it would lead to the detention of the ship and consequent loss to the owner. The fact is, the case would have to be abandoned altogether. It appears to me that the Government should have accompanied the introduction of this Bill with a statement of some instance of hardship which would justify its introduction. I am told, on the authority of the shipping interest, that no such instance can be adduced. I do not know anything about it personally.

But the fact remains in favor of the passage of the Bill, that when it was introduced in the House on the Government side it obtained the assent of the leaders of the Opposition. The Hon. Mr. Laurier expressed the opinion that it thoroughly met with his approval, but it did no go far enough in the direction of liberating the seamen from a possible injustice inflicted on them, and that opinion was joined in by Mr. Blake. Under the circumstances, I confess to be somewhat in a dilemma, not having an opinion of my own as to the effect of the amendment. I am therefore disposed to ask the leader of the Government whether, under the circumstances, it would not be justifiable to delay it to another Session, and if he does not see his way to that, I have to express the thanks which I certainly feel for this amendment. The modification which has been suggested appears to me, on the first blush, to remove the main objection to the Act as it came to our House.

HON. MR MILLER—There is no doubt there are important interests on both sides to be protected in this Bill. The shipping interest should, of course, receive due consideration and protection; and the seamen also are entitled to every consideration and protection from Parliament. The Province of Nova Scotia is one of the largest shipowning countries in the world, in proportion to her population, and before Confederation our law was to allow a writ of *certiorari* in all seamen's cases. They were tried before two magistrates. The ordinary appeal was taken away, but the writ of *certiorari* was allowed, and I think very properly so. No doubt, occasional instances of hardship may occur in appeals, even under writs of *certiorari*, but we must not attempt to legislate too strongly or entirely against one class because of a possible or occasional injustice happening under the law. It is a very serious thing under our system of jurisprudence to take away an appeal from the subject where judgment is given in the lowest court. I do not desire to speak disrespectfully of the magistrates of this country; I allude more particularly to the magistrates in my own Province, where commissions were issued to an unnecessary extent, and without proper discrimination. The judgments of these men are not always regarded as entitled to the highest respect, and in cases that may arise under the Seaman's Act it would be a great hardship to continue the law as it is and deny any appeal whatever from the decisions of these courts. I think the amendment proposed by the leader of the House should meet any objection that the shipping interest may have to this act of justice to the seamen, because the proceedings are not to be stayed by the mere notice and application for a writ of *certiorari*, but may be carried out and executed until an order of a judge, having competent jurisdiction, issues, staying the effect of

the decision. There may be, of course, some hardship in the distance that may have to be travelled to get this order. It may take some time. If the order is to be granted by a judge of any of our Superior Courts in Nova Scotia, for instance, the application would have to be made in Halifax. I do not see why an application of this kind might not be made to a county court judge. There are county court judges in Nova Scotia, and I think the other Provinces of the Dominion are similarly situated. Nova Scotia is divided into six districts, with a county court judge in each district, and application could be made to the county court judge in a short time. Take the instance cited by the hon. gentleman from Montreal of a ship going to Sydney, and gets into an altercation of this kind with a seaman, an order could be obtained there in forty-eight hours, and it is so with every other district in Nova Scotia. I do not know to what court the application is intended to be made, but I think it would be very desirable that the order could be obtained in county courts. If the hon. gentleman could make his amendment in that form it would be an improvement.

HON. MR. KAULBACH—I agree with everything the hon. gentleman from Richmond has said, with regard to *certiorari* being removed to the county court as being more expeditious, for the character of these cases should be as speedy as possible. The remedy proposed by the leader of the Government is a good one, and after a year's experience of it, if an amendment is required we can make it. I know that there has been a great deal of oppression in many cases, and the incompetency of the magistrates is noted in many cases—not only incompetency, but partiality, largely in the interests of the shipowners. Therefore, I think the proposal made by the hon. gentleman is as good a solution of the difficulty as can possibly be.

HON. MR. POIRIER—I concur in the remarks of the hon. gentleman, but if I understand the amendment, the words "Superior Court" would include both courts.

HON. MR. MILLER—No; a court of record would include the county courts, but by the term "Superior Court" we understand Supreme Court in the Province.

HON. MR. ABBOTT—I think the suggestion of my hon friend from Richmond is most important, but I am not prepared at the moment to say exactly what court it ought to be. Certainly, if there be a difficulty about the distance of the court at which application is to be made it ought to be remedied by taking the local judge. This law applies to the Maritime Provinces and Quebec, and we should have to take care in making provision for application to the nearest judge to make it in a way conformable to the different Provinces. I accept the suggestion of my hon. friend to give power to the local judge to grant the order of suspension. In the Province of Quebec it will be a Superior Court judge, because there are Superior Court judges in every district. In Nova Scotia and New Brunswick, and Prince Edward Island, it would be the county court judge. I accept the amendment, and if the House will pass this amendment through committee, on the third reading I will put in the name properly. In the meantime, I will ask the Minister of Justice to make a proper description of the local judge to whom the reference will be made for a special order.

HON. MR. READ—Not forgetting to put in British Columbia.

HON. MR. ABBOTT—British Columbia will have to be considered also.

HON. MR. POWER—There are cases where a Supreme Court judge can be more conveniently had than a county court judge. I take the same view of this question as the hon. gentleman from Kennebec does, and I should like to ask the leader of the House whether or not there is any provision in the English law respecting shipping and seamen which gives an appeal in a case of this sort?

HON. MR. ABBOTT—I could not answer that question as to the English law. We have been acting by what appears to be the demands of our own population in this matter. The law has been in force for some time, and complaint has been frequently made of the injustice done in depriving our seamen of the right of appeal in these cases, and representations to the Government have been of the strongest character—not only that, but similar representations have been made to leading members of the other House, and I have

no doubt in this House in the same direction, so that, as stated by the hon. gentleman opposite, they entirely approve of the principle of the Bill.

HON. MR. POWER—I think it is very important that the House should be informed as to what the English law is. There is no country in the world whose commerce is as important as that of England, and there is no country where the authorities are more careful as to the liberty of the subject than they are in England. If in England they have found that such a provision as this is undesirable, that ought to be sufficient reason for our waiting until next Session to give the subject matter of this appeal further consideration. The hon. gentleman has stated that there were strong representations from certain parties, but since this Bill got out, and got into the hands of people representing the shipping interest, strong representations came from them on their side, and I really doubt whether we are in a position now to weigh the balance nicely between the conflicting interests. There is another aspect of the matter which has not been suggested by any hon. gentleman, and which has probably not suggested itself to the Government. Section 118 of the Merchant's Shipping Act does not merely apply to a case of where a seaman has been convicted, but applies to all cases of convictions or orders made under the Act.

HON. MR. ABBOTT—Certainly.

HON. MR. POWER—If hon. gentlemen will look over the Act they will find that the offences are enticing to desert, and harboring deserters. There are orders made with respect to seamen's wages and different provisions for the protection of seamen from imposition; provisions as to the health and accommodation of seamen; a provision against leaving seamen abroad. Every proceeding under the Act, I take it, is either a conviction or an order. While we may be helping the seamen, or suppose we are helping seamen on the one hand, we may be doing serious mischief on the other, because, supposing a seaman gets an order for his wages or gets an order for the payment of a sum of money, or secures a conviction against a master for ill-treatment, you are going to allow the party who was convicted, or the party against whom the order was made, to compel that seaman to wait and put him to expense and delay, and I think that is an additional reason why the Government should consider this Bill. We have been a commercial people for a good many years, and we have succeeded in getting along without this measure, and I do not think that any grievous injury would result if it stood over for another Session.

HON. MR. ABBOTT—If my hon. friend imagines that I pleaded for the passing of this Bill in the interests of any particular class he is mistaken. A free British subject ought not to be liable to imprisonment and punishment, especially on conviction by magistrates who are not specially instructed in their functions, without a remedy of some sort or other. My hon. friend will see that the provision I have introduced takes the sting out of the case he refers to. Unless the master can go before a judge and show that the magistrate's decision is *primâ facie* wrong, then the judge will order a stay of *certiorari* until it is proved.

HON. MR. McCLELAN—I think that the amendment proposed will, to a large extent, meet the objection raised by the hon. gentleman from Kennebec, or the party from whom that telegram came. It is provided there that it shall be in the discretion of the judge, on special cause being shown on affidavit.

The amendment was agreed to.

HON. MR. CLEMOW, from the committee, reported the Bill with an amendment.

The report was received.

THE LIBRARY OF PARLIAMENT.

REPORT ADOPTED.

HON. MR. HAYTHORNE moved the adoption of the Second Report of the Joint Committee of both Houses on the Library of Parliament. He said: Hon. gentlemen will see by the report what has been done this year by the Library. One of the principal works of the committee has been done by the Select Committee upon Exchanges. In some cases we purchase works published in Canada for the purpose of exchanging with public libraries in other parts of the world. Besides that, we effect considerable exchanges of Parlia-

mentary issues of different kinds, receiving from other colonies and countries their legislative exchanges in return, by which means our shelves are filled with very useful works at very little trouble and expense. The Government had decided that exchanges henceforth are to be made out of funds devoted for the purchase of books for the Library; but it was urged that this was too heavy a demand on the funds devoted to the ordinary purposes of the Library, and the Government have not persevered with that intention. They have purchased books for exchange, and it is hoped that the funds of the Library will not be very heavily drawn on for that purpose. The Select Committee has also stated their opinion that the grant for the Library is not large enough to justify the purchase of books for the purpose of encouraging native literature; and that the purchase of exchanges should be confined to books of a character similar to that of the exchanges received from other countries.

They bestowed a considerable amount of labor upon ascertaining what sums had been spent and what books had been purchased of late years for the purpose of exchanges, and they are set forth in this report of the sub-committee. The funds have been expended in the purchase of books in French and English, in magazine literature, a considerable sum in binding, and those who are deeply interested in the Library will find that our shelves are year after year laden with books on all subjects interesting to members of Parliament and others — valuable works, many of them their value increasing rather than diminishing; and the Librarians had funds still unexpended at the time they issued this report. The accounts have been audited and found to be correct, and I think it is a subject for congratulation by Parliament that the Library is in such a flourishing condition. I believe that the change that was made a few years ago from one Librarian to two, each having his own department, is working in a most satisfactory manner.

The report was agreed to to.

The Senate adjourned at 4:35 p. m.

THE SENATE.

Ottawa, Monday, May 12th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

ST. VINCENT DE PAUL PENITENTIARY.

ENQUIRY.

HON. MR. BELLEROSE enquired of the Government,—

1. How many days did the visit of the Honorable the Minister of Justice and the Honorable the Secretary of State to St. Vincent de Paul Penitentiary, in December, 1886 occupy? 2. How many of the officers of the Penitentiary gave evidence during that visit? 3. For how many hours each day did this so-called enquiry last? 4. Was the then Warden, Mr. Laviolette, called upon to give his evidence? 5. Did he give it either on a summons or voluntarily? 6. Was this evidence taken by the stenographers? 7. If so, by what stenographer?

HON. MR. ABBOTT—In answer to my hon. friend's questions, I would say: The visit of the Minister of Justice and Secretary of State occupied two days. All the officers of the Penitentiary gave evidence during that visit. The enquiry lasted during the whole of the two days. Mr. Laviolette, the Warden, was called upon to give his evidence. He gave his evidence voluntarily. This evidence was taken by stenographers, and the particular stenographer who took it was Mr. Bourbonnais.

INSPECTOR MOYLAN'S REMUNERATION.

ENQUIRY.

HON. MR. BELLEROSE enquired of the Government,—

Whether the sum of $250, mentioned in Item No. 13 of the Supplementary Estimates for 1890-91 as to be paid to Inspector Moylan, for his services at the time of the enquiry made at the St. Vincent de Paul Penitentiary by him and Mr. Baillargé, is due for services rendered outside of his duties as a member of the Commission and Inspector? If so, for what services? If not, whether he is not, as Inspector, obliged by law to make all such investigations without extra remuneration?

HON. MR. ABBOTT—The sum of $250, paid to Inspector Moylan, was paid to him as a member of the Royal Commission appointed for this purpose. He is usually obliged to make enquiries naturally as Inspector, but it is the custom when a civil servant is appointed a member of

a Royal Commission, that he gets some remuneration for his services in that capacity, and in this case he received $250, which was one-half the amount paid to his fellow commissioner.

INSPECTOR MOYLAN'S EXPENSES.

MOTION.

HON. MR. BELLEROSE 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 statement showing the expenses incurred by the Inspector of Penitentiaries in his visits, ordinary or extraordinary, to St. Vincent de Paul Penitentiary during the last ten years, as well his personal expenses for each day of such visits, as those occasioned on each day of such visits by his travelling from Monereal to St. Vincent de Paul, and *vice versâ*, for horses, servants, and their keep and lodging.

He said : This motion may seem out of place as dealing with such trivial matters, but when I see that this officer has since Confederation received from the Government all kinds of remuneration, and his expenses are very high, I cannot help feeling that it is my duty to ask for this information. There is another officer in the Department here, Architect Bowes, a very old gentleman, who goes once a month to St. Vincent de Paul. He stays there usually two nights, and while there takes his board in the little town, and incurs very little expense ; but Mr. Moylan does not consider expense at all. He generally takes seven or eight days on one of those trips. He reaches Montreal about noon, telegraphs to the penitentiary for a team, eleven miles, and has a splendid span of horses that had been bought for Lieutenant-Governor Masson, sent in for him. He is driven out to St. Vincent de Paul, the tolls being paid both ways, does a few hours work, and is driven back to Montreal, the carriage being driven by an officer of the penitentiary. He stays in Montreal all night, the expenses of the horses, and servant, and himself being paid at the St. Lawrence Hall. In the morning he is driven out to St. Vincent de Paul, where he arrives at about 10:30 a.m. He holds a sitting until noon, takes lunch, resumes work, and then at about 3:30 p.m. he is again driven to Montreal. So it goes on day by day, and the expenses so incurred seem to me to be very great for the work done. I would not have brought up this question, as I felt it was a trifling affair for the Dominion; but I see that four years after the enquiry of 1886—after he had been admonished for the uncivil words he used in two of his annual reports, by being deprived of $400 increase in his salary, he gets from the Government two grants of $250 each. If the Inspector deserved $250 for work done four years ago why did he not get it in 1886, when Mr. Baillairgé, his colleague on the Commission, got his money ? Is it not plain that it is to make good the loss which he sustained by being deprived of an increase in his salary on account of the uncivil words used in his official report of two years ago ? I cannot help bringing this matter before the attention of the House, and if there are any independent members in this Parliament they must see that they are laughed at by Mr. Moylan and the Government. The Government punishes with one hand, and then they give this man money by a side way, so that far from commending the Government for having punished Mr. Moylan two years ago, I would much rather have heard these gentlemen state that they were satisfied with Mr. Moylan, and that I was wrong in bringing the matter before the notice of the House. Another reason is this : I have in my hand a document which is not before the House, but which I found in the Department of Justice. It has a few words showing the hatred of the Inspector towards Warden Laviolette before he got shot. A few years before, when on a visit to the penitentiary, Inspector Moylan wrote in the registry kept there : "Mr. Laviolette is ordered to expend a little less on coal oil." Is not that a shame ? That is in black and white in the registry. When I see such conduct, on the part of that officer, approved, and supported and when he is encouraged, I may say, to attack every hon. gentleman in this House who dares to rise and criticize the management of the penitentiaries, it is time we should say that there is something wrong. Another evidence of this is the fact that no this enquiry there were two gentlemen. Mr. Baillairgé is quite as honorable a man as Mr. Moylan, and I have no doubt that every gentleman in this House who knows both men will say that if Mr. Moylan is a respectable man Mr. Baillairgé is a very respectable man. Mr. Baillairgé was appointed with Mr. Moylan on that Commission in 1886. They both arrived at St. Vincent de Paul in May, 1886, and the

very day they arrived Mr. Baillairgé told me Mr. Moylan proposed to him to go every night to Montreal; but he said: "No; I cannot do that; there are plenty of good hotels here, and I would rather stay at a hotel here or with the good nuns than drive backwards and forwards every day to Montreal." So he would not go, but Mr. Moylan did, and took a team and servant man, and went every night to Montreal, paying the expenses of the man and team there and getting back to St. Vincent de Paul very late the next day. There was such delay in the investigation that Mr. Baillairgé was told by the chief of his Department that he must drop it and go back again. The Commission came back in September, and then in order that the work might be pushed through rapidly Mr. Moylan stayed at St. Vincent de Paul every night, and in three or four weeks the enquiry was concluded. I defy any one to contradict this statement. It shows what expense the country was put to by these journeys backwards and forwards between Montreal and the penitentiary. It has not been customary for me to complain of extravagance on the part of the Dominion Government. I do not care so much about expense on the part of the Dominion, as it is often necessary, but I strongly favor economy in local government. In any case there is no necessity for incurring expense for which there is nothing at all to show, expense that is only associated with loss of time. I shall, on another occasion, before Parliament rises, show why a full enquiry was not had into these matters. Though they may appear trifling when they are enquired into, they will be found important.

HON. MR. ABBOTT—The Government have no objection to the address.

The motion was agreed to.

SEAMEN'S ACT AMENDMENT BILL.

THIRD READING.

The Order of the Day being called:—

Consideration of the Report of the Committee of the Whole House on Bill (135) "An Act to amend 'The Seamen's Act,' Chap. 74 of the Revised Statutes."

HON. MR. ABBOTT said: Referring to the discussion which took place on Friday with regard to this Bill, my hon. friends will remember that there was a suggestion made that there might not be a judge having jurisdiction in matters of *certiorari* resident at or near the place where conviction takes place, and therefore it might be difficult to obtain a stay of proceedings without too much delay. I have considered that question and discussed it with my colleague, and I now move that the House do not concur in the amendment made in the Committee of the Whole, but that it be further amended by adding these words:—

"But if no judge having jurisdiction in respect to writs of *certiorari* is resident at or near the place where any conviction or order is made, the county judge of the county wherein such place is situated shall have power to hear and determine any application to stay proceedings upon such conviction or order."

HON. MR. POIRIER—Our judges are county court judges, and they should be so described in the amendment.

HON. MR. POWER—The suggestion of the hon. gentleman is a proper one, because in the Lower Provinces there is not a judge for each county—they are county court judges, and, as a rule, there are three counties in each judicial district.

HON. MR. ABBOTT—Would the judge having jurisdiction in those counties not be a county court judge?

HON. MR. POIRIER—It is "county court judge" in the statute.

HON. MR. POWER—In Nova Scotia they are called county court judges.

HON. MR. McINNES (B. C.)—Would that amendment be applicable to British Columbia, where we have no counties whatever?

HON. MR. ABBOTT—No. What is the division there?

HON. MR. McINNES (B. C.)—District.

HON. MR. ABBOTT—Then it would be better to have it "county court judge of the county or district." I move that these words be inserted in the amendment.

The motion was agreed to.

HON. MR. POIRIER—The Act says "*certiorari* to a Superior Court;" in New Brunswick the name of our Superior Court is the Supreme Court. I suppose it would embrace our Supreme Court?

HON. MR. ABBOTT—The words "Superior Court" are used as indicating the court which is superior to the judge who makes the conviction.

The amendment was agreed to, and the Bill as amended was then read the third time, and passed.

CRIMINAL LAW AMENDMENT BILL.

COMMONS AMENDMENTS AGREED TO.

The Order of the Day being called,—Consideration of the Message from the House of Commons disagreeing to certain amendments made by the Senate to Bill (65) "An Act further to amend the Criminal Law."

HON. MR. ABBOTT said: The amendments which were made in the House of Commons to the amendments in question are three in number. The Commons have disagreed to the amendment that we inserted in respect of the amount of penalty which by the law is stated to be $500, and in order to prevent the possibility of this penalty being regarded as an invariable penalty, instead of merely a maximum penalty, this House inserted the words "not exceeding $500." The reason why I proposed to this House to insert those words was that in the Pardons and Punishments Act I found a provision which said, whenever a term of imprisonment was named in a statute the judge in sentencing the prisoner would have a right to diminish it according to his discretion, but not to exceed it. It was supposed that there was a clause respecting penalties in money of a similar character, but the Minister and myself looked over the Act with a fair degree of care, and we could not find any such clause, and it was for that reason that I suggested to put in the words "not exceeding." On a more careful examination of the Act it is found that under the chapter respecting sureties there is a clause, such as we both thought was in the Act, but which we could not find, which makes the same provision with regard to penalties that is made with reference to imprisonment.

HON. MR. DEBOUCHERVILLE—What does it say?

HON. MR. ABBOTT—It provides that the judge may mitigate the punishment to any extent he thinks proper. Therefore, I propose that we do not insist upon our amendment made to the 18th section. Then, with regard to the 20th and 21st amendments, we had already determined in that sense ourselves. We altered the name "North-West Territories" into "Western Territories," and the House declined to accede to that, thinking it proper not to alter the name until the Bill had been passed which we decided upon and acted upon here, after passing that Bill. Therefore, I propose to the House that we should not insist upon that amendment. Then clauses 86 and 87 were clauses which had been proposed by the Department of Justice themselves, and were inserted at the end of the Bill—new clauses, which were said to be copied from the Ontario Act. Whether they be so copied or not, the House of Commons consider that the regulation referred to ought not to be authorized wholly by Orders in Council—there should be some more explicit indication of the will of Parliament as to the nature of the Orders in Council before they should be made, and I presume that is a principle that this House would concur in. I therefore ask that the House do not insist on the amendments made to those two clauses.

BILL INTRODUCED.

Bill (EE) "An Act further to amend the Dominion Lands Act." (Mr. Abbott).

The Senate adjouned at 4.05 p.m.

THE SENATE.

Ottawa, Tuesday, May 13th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

ST. VINCENT DE PAUL PENITENTIARY.

HON. MR. BELLEROSE 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, all the letters and correspondence that may have been exchanged between the Government and O. G. Bourbonnais, Esq., on the subject of his services as stenographer at the time of the visit of the Minister of Justice and the Secretary of State to St. Vincent de Paul Penitentiary, on the 10th and 11th of December, 1886.

He said: In moving this resolution it will be necessary to remind the House of the circumstances which brought about this visit of the two Ministers to the penitentiary. Hon. gentlemen will recollect that a serious revolt took place in the penitentiary of St. Vincent de Paul on the 24th or 26th of April, 1886. A few days afterwards an inquiry was made in both Houses of Parliament as to what the Government intended to do. In the Commons the Minister of Justice answered in the following words:—

"I have determined, as early as possible after the close of the Session, and after the recovery of the Warden, to make as full an investigation into the affairs of the penitentiary as can possibly be made. I do stand committed, as head of the Department, to having a full and thorough investigation."

In the Senate, the answer given was in the following words:—

"It is the intention of the Government to order a serious and minute inquiry into the circumstances of the revolt, and into all the troubles which have occurred in the said institution for the four years past. The investigation will embrace an inquiry into the proximate and remote causes of the said revolt and of the said troubles."

These quotations I take from the official reports of the debates of the two Houses of Parliament. In December following the Minister of Justice, and the Secretary of State, left Ottawa on the 9th of December, and having arrived in Montreal on the morning of the 10th the Minister of Justice sent to my address a telegraphic despatch from there in the following words:—

"I visited penitentiary to-day. Will send letter to your residence as to object of visit. Please rush.

"J. S. D. THOMPSON."

This was about eleven o'clock in the forenoon. At 12.15 p.m. a young gentleman who accompanied the Ministers came to my house with a letter from the Minister of Justice. I read the letter and told the young gentleman that I would write my answer and send it to the Ministers. From the letter of the Minister to me I take the following:—

"MONTREAL, 10th Dec., 1886.

"DEAR SIR,—I intend to-day to make a visit, accompanied by the Secretary of State, to the penitentiary of St. Vincent de Paul, and intend to make such enquiry as may give me information as to the efficiency of the staff and the state of discipline in the institution. * * *

I am, yours truly,

"J. S. D. THOMPSON.

"Hon. Senator BELLEROSE."

On reading that letter I said to myself, the Minister wishes to do like his Inspector, have another sham investigation, and I will not go. So I wrote my answer in the following words:—

"Whenever you are ready for such an investigation as you promised I will be ready to give a list of the parties whom I wish to be called to give evidence, and will myself be ready to state what I know."

Having written that answer, I thought it was best to go myself to the penitentiary. It was 12.45 p.m. on the 10th. I met the Minister of Justice in the street of my little town. He shook hands with me, and he told me that he was going to his lunch. I said, "all right," that I would wait at the penitentiary for him. It was about 1.30 p.m. when the Minister of Justice and the Secretary of State came back to the penitentiary We had some conversation, and he called for the Warden, and so on, and then told me that he would not take evidence under oath. I said, in that case I would not be a party to such a sham investigation; that it was a repetition of what the Inspector used to do, and, moreover, I thought that the Minister had a right to swear the witnesses, and that I could not, in such a serious matter, assist, unless the investigation was conducted under oath and was to be a searching one, such as had been promised. I wish you to recollect this, because it is not only facts we want, but the intention. I am invited by letter to go to the penitentiary. What for? To accompany the Minister, who is on a visit, to enquire into the discipline of the institution? That was not the promise. The promise was to make a searching investigation into the causes of the revolt. That was the promise, yet the Minister informed me that he was there to make an enquiry into the discipline of the institution; so I told him that as he would not do what he had promised I would have nothing to do with it. It was two o'clock —I beg hon. gentlemen to note the hour. There are about 70 officials employed in the penitentiary. At two o'clock the Ministers began examining these officials, and at about four o'clock both of the Ministers left for Montreal. Yesterday we were told that the enquiry occupied the whole of the first day. I do not blame the leader of the House for making an incorrect statement, because he does not know what occurred; but I do blame the Ministers who misinformed him. The next day both

of the Ministers came from Montreal at 10.30, and sat till about four, or half-past four in the afternoon, with an intermission of about an hour for lunch. Then about half-past four they left for Montreal again *en route* for Ottawa, and that was the end of it. They spent about seven or eight hours examining some seventy witnesses, and this is what they called making a searching investigation, such as the Minister had promised from his place in the House of Commons. That alone would be sufficient to prove that the object of the Minister was to deceive, because we have his promise here in black and white, and we have also his letter to me. There were two short-hand writers with the Ministers, Mr. Leslie, of the Department of Justice, and Mr. Bourbonnais, of Montreal. This took place two years ago, and now when we ask for the evidence which was taken we are told that there is none, that Mr. Bourbonnais has not thought fit to furnish a copy of his notes. Now, if it was a matter of private business, what conclusion would we draw from such an answer? That the object of refusing to furnish the evidence was to deceive us, to cover up some discreditable transaction. I have a letter from Mr. Bourbonnais, in reply to one from me, and he says that he has no objection to furnish a copy of his notes, but that he had neglected to do so. That means that there was something wrong. If that was not sufficient to prove the motive for such a course, there is something more. On the evening of the 10th, at seven o'clock, I met Mr. Bourbonnais, and learned from him—and there was a third party present at the time—that it was no enquiry; that two or three questions had been put to the officials as to the character of the discipline in the absence of Mr. Laviolette. That was the searching investigation so solemnly promised. It is not surprising, therefore, that the evidence taken at that enquiry cannot be furnished, because since the Minister has deceived the public and failed to carry out his promise he refuses to furnish the evidence which would convict him of deception. When he wrote me that letter, calling on me suddenly to come up to the penitentiary, he thought that I would not be prepared, and that he would thus catch me off my guard; but the moment I read the letter I saw what the intention was. A searching investigation had been promised, and this letter intimated to me that the Minister was there on a visit. Then I knew that it was only a sham investigation that was to be held, and I governed myself accordingly. We have been told that Mr. Bourbonnais refused to furnish a copy of his notes. It may be that they did not offer him enough remuneration for his work. Mr. Bourbonnais did not ask for the work; he was asked to go there and report the evidence. Now, have not the Government power to force a stenographer, who has taken notes, to furnish a transcript of them? I am sure they have. If that investigation had been of the searching character that was promised, why did they not force the reporter to supply a long-hand transcript of his notes? Because, as I have explained, no such searching enquiry took place. There was pressure on the Government to have the deputy promoted, and the Government were opposed to him, because he could hardly read or write: the times were hard, and Governments are always afraid at such times, so they had to make the appointment, and one of the Ministers was bound by a promise to have that man promoted. All those facts would have leaked out if the promised investigation had taken place. All this proves the correctness of my statements, but it is not pleasant for Ministers—who have denied certain facts—to furnish evidence that they had been misleading Parliament and the public. I asked some questions yesterday to which the leader of the House replied. The first was as to the number of days that the investigation lasted. To that he answered that the visit occupied two days. I have just shown that it was less than a day and a half. Another question which I asked was, whether Mr. Laviolette was called, and to this the reply was that he was called and gave his evidence. As a matter of fact, he was not called: the Minister went to him, but it amounted to the same thing. Now it is important that the evidence given by Mr. Laviolette should be laid before the public, because we have his letters, which I submitted to the House last year, and which can be found in the *Debates*, showing that he was betrayed by his two chief officers. He states clearly in those letters that his life would not have been endangered and the convict would not have been shot had his two officers done their duty. I defy

the Government to produce that evidence—I defy them to state that that evidence was taken in writing. Mr. Laviolette may have been questioned, but his evidence was not in writing, though the Minister of Justice states that it was taken by the stenographers. The stenographers were not there, either on the 10th or the 11th, so the statement is false. When I asked by which of the stenographers the evidence was taken, I was told "by Mr. Bourbonnais." Now, he was not there: he was in the prison, but did not go to the Warden's house, so that he did not take that evidence. I could mention other things, but will refrain from doing so now, but if I am forced to it I will state the whole thing: there has been underhand work—bad work done in the dark—and the Government know that I am aware of it. They know that I am aware of the fact that they had to travel during the night to do that work. That is why we cannot have an enquiry to get at the facts. I see here in the *Debates* of last year that I stated that the Minister of Justice had foresworn himself. The hon. leader of the House turned to me and asked: "Does the hon. member know that the Minister of Justice is under an oath?" I said: "I do not know whether he is or not, but I repeat, the statement of the Minister is wrong, and consequently he has foresworn himself." I am ready to prove, if an investigation is granted, that the Ministers were trying to hide bad work that they had done. The oath of a Cabinet Minister is as follows:—

"THE OATH OF THE MEMBERS OF THE PRIVY COUNCIL.

"You, , do solemnly promise and swear that you will serve Her Majesty truly and faithfully in the place of Her Council in this Her Majesty's Dominion of Canada, you will keep close and secretly such matters as shall be treated, debated and resolved on in Privy Council, without publishing or disclosing the same or any part thereof, by word, writing, or otherwise, to any person out of the same Council, but to such only as be of the Council, and yet if any matter so propounded, treated and debated in any such Privy Council, shall touch any particular person, sworn of the same Council, upon any such matter as shall in any wise concern his loyalty and fidelity to the Queen's Majesty, you will in no wise open the same to him, but keep it secret as you would from any person, until the Queen's Majesty's pleasure be known in that behalf. You will in all things to be moved, treated and debated in any such Privy Council faithfully, honestly and truly declare your mind and opinion to the honor and benefit of the Queen's Majesty, and the good of her subjects, without partiality or exception of persons, in no wise forbearing so to do from any manner of respect, favour, love, meed, displeasure or dread of any person or persons whatsoever. In general, you will be vigilant, diligent and circumspect in all your doings touching the Queen's Majesty's affairs. All which matters and things you will faithfully observe and keep as a good Councillor ought to do, to the utmost of your power, will and discretion—SO HELP YOU GOD."

I may say that when I had read this oath I was surprised at the conduct of the Government of the day, and particularly of the Minister of Justice, because their duty is to do justice to the public, and if they fail to do so they foreswear themselves. I make this statement, knowing my responsibility as a member of this House. If I made the statement without knowing that it was correct I would have reason to be ashamed of myself—just as much reason as the Minister of Justice has to be ashamed that he has sat by for months and years with such charges as Mr. Laviolette and I have made against him. The charge made by Warden Laviolette, which I read to this House last year, was terrible, and the charge I have made myself is no better. I cannot understand how men who are under oath can quietly sit by without venturing to meet their accusers and have justice done to all parties interested.

Now, gentlemen, there is evidently in all these things something wrong—even a little more than I have said just now. If we take up the Supplementary Estimates we see there an item of $250 to pay the Inspector. Last year, by documents from the late Warden, we proved to the Commons and to the Senate that that unfortunate man Lefaivre had been dismissed for no reason whatever—that it was the chief officers who had deserted their posts and had thrown the responsibility on Lefaivre's shoulders. Yet, what was the answer of the Minister of Justice in the Commons? He says:

"Suppose this is all true, what can I do? I must either dismiss the two officers who have since been promoted and reinstate him, or pay Lefaivre the bonus which he has a right to receive from the Government when he resigns—that is, one month's salary for every year he was in the service of the Government."

Could he not have asked for money in the Supplementary Estimates, as he has done this year, to pay Mr. Moylan for services rendered four years ago? Is that justice—admitting the fact that injustice had been done, yet refusing to remedy it? I cannot see any justice in such a course.

HON. MR. SMITH—There is no objection to the motion.

The motion was agreed to.

THE TARIFF.

INQUIRY.

HON. MR. REESOR rose to—

Call attention to the new tariff, as bearing unfavorably upon some of the most important branches in connection with agriculture of the Dominion, and to enquire as to the prospect of redress in favor of the farmers of Canada.

He said: I regret that I am under the necessity of having to keep my seat while I address the House; at the same time, I feel more strongly that it is my duty to thank you very cordially for the courtesy you have always extended to me since I have been unable to stand, for allowing me to keep my seat, thus violating one of the rules of the House. My object in calling the attention of the House to the tariff, which I understand has been sent up to the Senate, but has not been introduced, was to refer to certain matters that were in the old tariff and are continued in the revised tariff, that bear upon and operate to some degree in discouraging the development of agriculture, upon which so much of the prosperity and wealth of the country depend. I refer to the duty upon the article of corn as food for stock, for beef and for pork. I know that I may be met with this reply, as I have been on many occasions by politicians, who strongly favored protection to manufacturers, that they are only protecting the farmer by placing a duty upon American corn. This, whether sincerely expressed, or expressed merely as an argument to influence elections, or to influence farmers with their votes, is certainly an erroneous contention, to say the least of it, and I think I shall be able to point out before I am through that it is not only erroneous and not founded on the logic of facts, to be favorable to the development of the interests of the farmers, but that it is decidedly injurious to their prospects and injurious to the whole country. There were over 7,000,000 bushels of corn imported from the United States last year and only about half of that quantity was entered for consumption. Upon the amount entered for consumption a duty of $217,000 was paid. Half of the amount entered for consumption was used by the distillers, and made into whiskey. The other half it is presumed—the greater part of it at least—was consumed by farmers in feeding stock, and a portion of it was ground into Indian meal, and used as human food. So that the interference with the revenue that the Government collects would only be a small amount out of the many millions which we are collecting every year. It would only amount to $108,000 or $110,000. We shall see before I get through the great advantage that would result to the country by the increased exports of beef and pork. We now produce coarse grains—coarse grains that take the place of corn—and if we imported corn it is said that we would not get a market for our coarse grains. Coarse grains are pease, oats and barley. A certain amount of oats and inferior barley has always been used, and perhaps will be used as long as these grains are grown, as a mixture with stronger feed to make beef or pork. To use concentrated food, such as pease or corn alone, is not the most successful system of feeding animals. They require not only lighter food, but a good deal of mill stuff, bran shorts, and sometimes oil cake. Experience has proven that these articles combined make what is called a "balanced ration." Animals fed on balanced food are far more healthy, and are fed at less expense to make beef or pork. The price of pease, for example, has ranged all the way from 55 cents to $1 a bushel during the last ten or fifteen years. This year the price is lower than I have ever known it to be. In some localities they bring 60 cents; in others only 55 cents, although the American buyer is glad when he comes to buy them from the regular dealers to pay 60 cents or 65 cents. Pease are worth per pound for feeding stock as much as corn. Pease, perhaps, would produce, if fed to dairy cattle, more cheese than corn. Corn would produce more butter. Pease contain more caseine; corn contains more fatty substance. They are both equally valuable for making beef. If we can sell our pease even at 55 cents per bushel, and can replace it with corn at 35 cents, it is far better that the farmer should sell his pease and buy his corn. The cheaper article will produce the same amount of fattening food for his stock, and will produce the same amount of beef or the same amount of pork. It will be noticed from the Trade and Navigation Returns that there has been little or no gain in our exports for a number of years—very little

ever since the duty was put upon corn. Before that we imported a great deal of corn. Farmers used to raise very few peas then. They would raise barley, because it was more profitable, and would save the difference between the prices of the two articles, while corn would feed more per pound than barley and cost only half the price. This year it so happens that barley is remarkably low in price. I understand that that has arisen, not so much from any great excess in the quantity of barley produced in Canada and in the United States, but to a large extent from the use of corn, glucose, rice and sugar in making beer, corn being so very cheap, and containing so much saccharine matter, and the discoveries they have made in manufacturing beer from those articles have enabled them to get along by using less barley than formerly. It will be remembered by many hon. gentlemen that years ago whiskey was made almost exclusively from wheat or rye in Canada. Some time since it was discovered in the United States that whiskey could be made at a great deal lower price. That discovery was brought over into Canada, and ever since then corn has been used to a large extent, and is found to be a great deal cheaper than rye, which was formerly purchased for that purpose, so that whatever rye is now produced has to be sold at a price to correspond with corn. These circumstances have caused continual changes in prices in the markets of the United States, with reference to barley, an article that we a few years ago shipped to that country in considerable quantities, and we must now be placed in a position to meet this change of circumstances. We must be able to produce other articles to take the place of the exports that we now have. Barley, as all farmers well know, has not realized this year prices that would pay for its production. Anything less than 60 cents a bushel a farmer does not care to pay attention to. Barley has sold as low as 35 cents a bushel this season, and those farmers who can hold it prefer feeding it to their stock to selling it at that price. Others who depend on their barley crop to pay rent, interest, mortgages or any other debts have to take 40 cents to 50 cents a bushel for it. The probabilities are that in another year the crop will be short, and the price will then go up, but it is a matter entirely in the future. I simply desire to impress upon the House the necessity of yielding so much to the demand of the agricultural community in the first instance, but really a demand of the whole country, to enable us to increase our exports to foreign countries, and then we shall be able to some extent to meet the extraordinary drain that is necessarily placed upon us, owing to our great enterprise and the great expense we have incurred in building railways, and making local improvements and running ourselves into debt. It was stated the other day by a member of the House of Commons that the total indebtedness of Canada, to foreign countries, including our Dominion debts, our provincial debts, our municipal debts, and the debts that we owe where money is required to go out of the country to meet interest on stock held in banks and loan companies, and money brought out or sent out to private individuals to loan upon farms —that the interest upon all those debts combined would amount to $25,000,000 a year. We cannot be absolutely positive as to the amount, because it is difficult to get at them all, but I have no doubt that sum is a fair approximation. The statement was made by the hon. member for Cardwell, a supporter of the Government, and, I have no doubt, he has taken the pains to verify the truth of his statement before making it to the House. Assuming then that it is approximately correct, we have a large sum of money to make up every year. The interest upon the debts of the Dominion alone, if I remember right, is something in the neighborhood of $10,000,000, and when we add to that the interest upon municipal and provincial debts we know that it swells it up to a much larger sum, so that $24,000,000 or $25,000,000 is not much more than we have to meet. Now what do our exports come from? Taking lumber and timber, the products of the forest, they amount annually to a little over $23,000,000. Taking the manufacturers which we have encouraged, and I do not object to giving reasonable encouragement to manufactures, only we must not overdo it, so as to make it react injuriously upon other interests—they have not grown perceptibly for the last fifteen or sixteen years. They were as large, I think, in 1874 as they are to-day, notwithstanding the amount of protection they have had. The exports of manufactures amount only to a little

over $4,000,000 per annum. The exports of animals and their products and the products of the farm are over $37,000,000 per annum. There is in addition to that over $3,000,000 of exports not explained in the Blue-book. They set it down as not being explained, owing to the fact that it is difficult to get returns upon goods exported from inland points—say from railway stations at different points in the country—but they set it down at $3,000,000. I apprehend that these inland exports are nearly all agricultural products. They are car loads of cattle, sheep, potatoes, grain, etc., sent from interior parts of the country. We know in western Ontario, particularly, that is the case. They load a car two or three hundred miles from the point of transhipment to the United States going to Buffalo or crossing the Suspension Bridge, and returns for such shipments are not reliable. They are taken just as the station masters may choose to give them, and it is stated also in the Blue-book that it is hoped that efforts will be made to get these returns in a more reliable way. If these additional three millions or three and a-half millions of dollars are also agricultural, then our total exports of animals and their products and of agricultural produce would amount to over $40,000,000 a year. It is upon this source we must rely mainly, not only to meet our liabilities in other countries, but at home, and to develope our country and make it prosperous. We have part of the capital to increase our agriculture in the shape of land to the extent of many millions of acres that are now lying idle. We have willing hands and industrious, energetic young men, farmers' sons, who, if they had the inducements to settle upon our lands and develop them that they have in any other country, I think we should retain them. There is no man better fitted for settlement on our lands now unoccupied than the young Canadian farmer. He knows how to turn his hand to almost anything, and if he can see clearly that he has greater inducements to go into agriculture in Canada than in any other country we can retain him here. I know that some will say that this is the finest country to be found on this continent or in any other part of the world. I think myself it is one of the finest countries on this continent—and that is naturally the feeling of Canadians and of those who have made Canada their home; but it would be a great advantage to our farmers if we had the use of imported raw material without its being taxed, just as the manufacturer gets the use of imported raw material without being taxed, for we would then be in as good a position as farmers are in the most favored parts of the United States. They can produce corn cheaper than we can, and in large quantities. They have a large surplus which they must ship somewhere. We imported about 7,000,000 of bushels last year, or upwards of that, and we only consumed about one-third of it. The balance we re-shipped to other countries. We were merely made the carriers. If we could have free corn here we would extend the feeding of beef and the production of cheese and butter and pork. At present we do not produce nearly enough pork for our own consumption. Ever since the duty has been put upon corn the production of pork has fallen off, and farmers will simply produce sufficient pork to consume what we may term the offal of the farm—that is, descriptions of grain that are not suited for the market or for shipping or export. They produce a certain amount of pork, and in the same way produce a certain amount of beef, but we want to have free corn, and when we get it we will be in precisely the same position as our American neighbors. We can carry corn from Chicago to Eastern Canada as cheaply as they can carry it into New York State or into Ohio. Why not give us the privilege of doing it? It would take away that incentive that our young men have to go elsewhere that now exists. You will say: "Try to raise something else; we must have a tax upon corn, because the people believe it is to their advantage that corn should be taxed. They believe that they will get more for their coarse grain if corn is taxed." If you will be patient with me for a moment I will refer to what the farmers themselves say on the subject. I have in my hand a copy of the *Farmer's Advocate*, the publisher of which is a protectionist, and a strong supporter of the Government; he is what is called a strong Conservative, but hear what he says in regard to taxing corn:

"As usual, the delegates from the County Institutes turned out in strong force in Toronto on the 4th, 5th and 6th of last month, and fully discussed many sub-

jects that were of great importance to the farmers of this Province. The whole meeting was in favor of free corn, both political parties voting unanimously on this question, those from the corn-growing counties of Essex and Kent being quite in accord with this measure."

Now I will just read the remarks of the county representative at that meeting:

"The older provinces cannot compete in growing cheap feed with the West, and a large share of their lands require purchased feed to restore their lost fertility, before they will grow roots or grain profitably. Many farmers also require seed corn for soiling purposes; this must be imported, yet this is also taxed, and the pretended policy of admitting the material in the farmer's case is entirely lost sight of. If the Government desire to build up agriculture it must be fostered. With all our boasted immunity from disease and freedom of inland British markets, we last year increased our export of cattle one-fourth, while the United States, having to slaughter their cattle at the port of entry, have increased one-half."

There was a body like a little Parliament, and I have also been told that the representatives of the counties where corn can be produced profitably—that is Middlesex, Essex and the counties along Lake Erie—were as unanimous as all the others in favor of free corn, because they can raise wheat more profitably than even corn at present prices, and they would rather buy corn, less the duty, and feed it, than turn their lands to raising corn. In this matter of a broad character it is very gratifying to find that these people, who might have been supposed to be a little selfish and want to get an extra price for their own products, taking that view, because it enables us to remove the duty, if we choose, upon corn for the whole Dominion, and particularly for old Canada and the Eastern Provinces. I see by meetings which have been held in Quebec that they are in favor of free corn in all the dairy localities. Our dairy products are growing to be of very great importance. Our exports of cheese alone amounted to nearly $10,000,000 last year, and I suppose it took $2,000,000 or $3,000,000 worth to feed the population of the Dominion—a population that we may reasonably estimate at 5,000,000. In considering the quantity of agricultural products exported we may add an equal amount for the quantity used to feed the population of the Dominion. See how vast and important, then, is the development of agriculture! See how much more rapidly it has grown than any other industry suited to this country, and how much more profitable it is, as a whole, to the country, owing to the gross amount of yields for export! It does not make individuals rapidly rich, and I do not know that the country would be much better off if it did. If the agriculturists of this country are given a fair chance and no favor they are willing to meet the agriculturists of the world in the leading markets, and the great market of the world for agricultural products is England. They import not only what they require for their own consumption, but for re-shipping to other lands. If you go into the Liverpool market you will find that Canadian cheese is not only bought up for their own consumption, but forms part of many mixed cargoes shipped abroad. The more we send them and the more they take, the more money we get in return. These are some of the reasons which I urge in favor of removing the duty from corn. Although the Tariff Bill has passed the other House without making that change, the amount of revenue that would be lost by it would be a mere bagatelle compared with the benefit the country would derive from the admission of corn free of duty. I know in my own section of the country, in the counties of York and Ontario, since the duty has been put on corn the farmers have gradually discontinued feeding cattle for the English market. If the duty were removed I am satisfied that many of them would go into it again, and that the industry would grow in every part of the Dominion. In view of the fact that we must have new markets for many of our products, and must produce other things to take the place of what we used to sell in large quantities, there is no way in which we can adapt ourselves better to the changed circumstances than by increasing the production of beef, pork and the dairy products. The total exports of the Dominion as far back as 1873-74 reached $89,789,922; last year our exports were only $89,189,167, some five or six hundred thousand dollars less than they were as far back as 1874. Now, that is not an encouraging state of things. If our population has grown, our exports should have grown. Some people say that our population has increased so rapidly that it takes all the increased production to feed them; but if our population has grown we should have produced in proportion and exported more. There is no sound reason why it should not be done. Then see the increased taxation. I do not object to mak-

ing valuable improvements, but I am afraid that we are going too fast, inasmuch as we are not increasing our export trade proportionately—we are not producing a sufficient surplus to bring wealth into the country to warrant the rapid increase of our debt and taxation. In 1873 the duties paid upon imports entered for consumption amounted to $13,017,730, and last year they were $23,784,523, not quite double, but running pretty hard on to it. In other words, our duties on imports were, in round numbers, in 1873, only $13,000,000, and last year more than $23,500,000. Of course they fluctuate a little. A good deal has been sometimes said about our imports being less than our exports—that we wanted to work ourselves into a position where we could produce more, import less and export more. We have just reversed that. We are importing more and exporting less. Now the total excess of imports over exports since Confederation amounts to $451,016,854. You may ask how have we got on so prosperously? We have been borrowing money; our debt has been running up. We may think we are richer because we handle more money, but we are like the man that wants to borrow two or three hundred dollars, but mortgages his property for two or three thousand dollars and speculates with the money, until he finds himself involved so that he can never redeem his property again. It will not do for us to go on and increase the debt of this country recklessly. I leave it to any hon. gentleman to say whether he can find in the whole products of this country, from beginning to end, anything that will tend so much to help us out of debt as the resources of agriculture. No business in this country will compete with it; none will make wealth so fast; none will develop better men for the protection of the country, if it ever comes to that, than agriculture, and no business is so easily got at—no business in which so small a capital will give a man a start. We have now got free land, so that a man who has strong hands, a good healthy constitution, and is willing to work, and has a few hundred dollars to start with, can begin to develop a farm. We must not, by electioneering clap-trap, impress them with the idea we will make them rich by protecting them, when we are at the same time making them poorer, because we are depriving them of the cheapest of articles to make beef and pork, and compelling them to give up producing those products. I have been asked, and by intelligent men, what do you do with your pease and oats? Look at the Blue-book and you will find that we export them in considerable quantities, and we will continue to export them. If we can realize more money for them than the corn would cost us, it will pay us to buy the corn and sell the pease.

HON. MR. SMITH—Pease are much better feed for hogs than corn; that is admitted.

HON. MR. REESOR—I do not find that it is admitted by those who have had long experience. You will find that all the producers of pork are anxious to have free corn. The hon. gentleman may have got the impression that pease were better than corn because corn is often fed in the western States without anything mixed with it and the food is too concentrated. It will make animals fat, but it is not so safe a feed as when it is mixed with bran. The corn itself is just as digestible and wholesome and will make just as much pork as pease will, but it must be mixed with bran, ground oats or other feed, and, in fact, to produce pork economically it should always be cooked, because it is more digestible. In the western States they throw out the corn in the raw state and let the hogs gorge themselves with it, and of course they are not quite so healthy on that kind of feed. It will produce sickness when fed in excess. But the hon. gentleman ought to leave this matter to be decided by public opinion. We have the opinion of people on both sides of politics in favor of having cheap corn. I think if it were tried again we would find that the production of beef and pork for the British market would be increased if the duty on corn were removed. I know that I would not myself think of going into that business unless I could get cheap corn. Just count it up. If you feed pease your beef would cost you at least a cent a pound more, because you will find that a pound of corn makes just as much pork and beef as a pound of pease. You can get corn in Chicago at half a cent a pound; it would cost a trifle more laid down here. You can sell the pease at a cent per pound. It would therefore be better to buy the corn and sell the pease. If the

duty is removed and corn rises in price, we are not obliged to buy it, and we could use our own coarse grains instead. A pork packer in the city of Toronto, who buys from fifty to sixty thousand dollars worth of hogs a year, and makes bacon and ham to supply the citizens of Toronto, and sends the balance to England, says that he uses only corn-fed pork. He cannot get anything like enough of it in Canada—not one-fourth of the hogs that he wants to cut up, and he is obliged to send to the States for them. You will find no farmers more ready than our Canadian farmers to adopt the best methods for improving the production of pork and beef for the British market. Just as cheese has been worked up until it brings a better price on the average than American cheese, so would the articles of beef and pork command better prices in England in a few years if our intelligent farmers could import corn free of duty. They would use a well balanced food, which would produce the best quality of meat and the greatest quantity at the smallest charge and that is just what we want. There is another reason why this export should be encouraged. A great many farmers depend entirely on grain, and they cannot afford to feed pease and barley on their farms if they can get more than 50 cents for it. They say that beef does not make a return equal to the cost of producing it when grain sells at such prices. There is a reason then for encouraging stock-raising because many of the farms are being run out, owing to having been devoted entirely to the raising of grain. They want to keep stock in order that they may have their lands enriched, and in that way every acre will produce double, and in some instances treble, the quantity that poor, worn out lands do where they have been made to produce grain year after year for a quarter of a century. All who have any practical knowledge of farming, and some who have only a theoretical knowledge of it, understand that. That is an additional reason why this duty should be removed. I will read an extract from one of our city papers here on the subject of the McKinley Tariff Bill introduced at Washington. It is as follows:—

"Washington, 7th.—In the debate on the Tariff Bill to-day, Mr. McKinley said every relief which could be afforded agricultural interests by the tariff had been recommended. Under the duties fixed by the Bill, the annual imports, $25,000,000 of agricultural products, would be supplied the people of the United States by the American farmer rather than by the Canadian farmer, and that $25,000,000 distributed among farmers would relieve some of the depression prevailing, and give them increased courage and ability to raise the mortgages upon their farms. During the twelve years of reciprocity with Canada the United States bought much more than it sold. What Canada and other countries wanted was a free and open market in the United States. What the United States wanted, if it ever had reciprocity, was reciprocity with equality, reciprocity that was fair, and that would give her her share in trade, or the bargain she made with the other countries of the world. Whenever the United States had had trade reciprocity or low duties it had always been the loser."

It will be seen that the gentleman who made that speech, if he is correctly reported, had an eye to making a little capital amongst the farmers of the United States. Everyone here knows that we cannot get rich by putting high duties upon our neighbors' products. If more than we want to use comes in here, it goes out to some other countries. The American farmer would not be benefited by shutting off our products, because the merchants on the seaboard are continually reshipping them to other countries. The very lumber they take from us they send to South America and the West Indies. The very pease that they buy from us go to make up mixed cargoes. There are thousands and thousands of sailors visiting the ports of New York, Boston and Portland every year, all requiring a certain proportion of such goods as we produce. If our neighbors did not get them from us they could not sell them. It is really a gain to them, not a disadvantage to the American farmer at all, that the lumber and pease should go there—in fact, that the horses from this country should be admitted to their markets, because they export horses. It is true they export horses for breeding purposes, of a different character from those that they buy from us, but by purchasing from us they are able to sell their own. So I fancy that this buncombe will not go very far, except with persons who do not look into matters of trade—certainly it will not go far with the United States Congress. I believe that if our own Government will take the trouble to negotiate a reciprocity treaty which would be advantageous to both countries it would be better, but if they do not choose to do that, let us at least have our legislation of such a character as will enable us to prepare our products for export to another country.

Some one remarked to-day that corn is not good feed for hogs. At a meeting of the Hog Breeders' Association of the Dominion, held at Shaftsbury Hall, Toronto, a resolution was adopted unanimously requesting the Dominion Government to put corn on the free list, on the ground that it would be an advantage to the swine industry. Many of these gentlemen are very intelligent, enterprising men. They import the finest breeds of hogs in the world and carry off the prizes at our fairs, and know how to handle them and make the best pork. I have already quoted to the House the opinions of the gentlemen who met at London representing the dairy and cattle interests, and in fact the whole farming interest, and they were without a dissenting voice in favor of removing the duty from corn, so that I think it is rather too much to assume that it would be injurious to the agricultural interest in this country. Now, if this McKinley Bill should pass at Washington the duty upon horses would amount to 70 per cent., on cattle 61 per cent., on hogs 45 per cent. Fortunately, we have no hogs to sell them. Upon sheep it would be 50 per cent., on all other animals 20 per cent., on barley 44 per cent., so that our market would be entirely cut off in those articles.

HON. MR. McMILLAN—How much are they putting on pease?

HON. MR. REESOR—There is no duty on raw pease, but on split pease there is a duty of 32 per cent. The duty on potatoes is 68 per cent. I find this information in a Boston paper which was very much opposed to the Bill. That paper says:

"A special Washington despatch to the Boston *Journal*, the Republican organ here, says the expert of the Committee on Ways and Means has completed his analysis of the McKinley Tariff Bill. The analysis of Schedule G—Agricultural Products and Provisions—shows perhaps the most striking departure from the existing law. The changes indicated in percentages, the percentages showing the relative equivalent *ad valorem* rate under the existing and proposed law, perhaps best illustrate the increases which have been made by the Bill. The following are some of the more noted increases in the schedule:

	Existing Tariff per cent.	Proposed Tariff per cent.
Horses	20·00	70·07
Cattle	20·00	61·94
Hogs	20·00	45·88
Sheep	20·00	50·30
All other animals	20·00	20·00
Barley	14·72	45·16
Barley malt	26·97	60·98
Buckwheat	10·00	32·47
Corn	19·70	29·55
Cornmeal	11·24	22·48
Macaroni	Free.	36·12
Oats	21·93	32·89
Oatmeal	17·09	34·18
Rye	6·67	6·67
Rye flour	12·50	12·50
Wheat	9·74	12·17
Wheat flour	20·00	25·00
Butter	20·64	30·96
Cheese	28·96	42·42
Beans	10·00	34·80
Eggs	Free	32·91
Eggs, yolk of	20·00	25·00
Hay	19·46	38·92
Honey	64·14	64·14
Hops	29·67	55·62
Split pease	20·00	32·61
Potatoes	41·26	68·77
Castor beans or seeds	47·75	30·56
Flaxseed or linseed	17·00	25·50
Garden seeds	20·00	40·00
Vegetables, preserved	35·00	45·00
Vegetables, natural state	10·00	25·00
Straw	Free	30·00
Teazels	Free	30·00
Anchovies, sardines	29·70	29·70
Fish, pickled	14·94	14·94
Fish, fresh, salted	Free	52·10
Pickled, smoked or preserved in any other manner	15·61	31·22
Herrings, pickled	14·11	14·11
Fish	26·45	30·00
Bacon and hams	11·86	29·67
Beef, mutton and pork	15·04	30·10
Meats of all kinds	25·00	25·00
Lard	24·39	24·39
Salt	44·09	44·09
Salt in bulk	85·26	85·26
Starch	91·53	91·53
Total agricultural products, etc	24·54	43·09

So that if it were possible that it did pass, we must have another market at once; otherwise we would be placed at a very great disadvantage. I will not detain the House any longer. I would like to hear the views of other gentlemen. I feel very strongly on this matter, and I do hope that the House will consider the question entirely on its merits, and no matter what prejudice might say, or that political partizanship might say, that we will all be able to rise to a higher plane, and dispose of this question on its merits entirely.

HON. MR. READ (Quinté)—I am sure it must be gratifying to hon. gentlemen, as it is especially to myself, to hear the hon. member from Markham state that after his experience of eleven years of the National Policy he still has no objection to a reasonable protection to our manufacturers. Coming from a Liberal, a man of large experience, it is gratifying to the House to know that he has reached that conclusion. The only

article of the tariff that is under discussion is corn, which he considers should be on the free list. If he had qualified his statement a little there might have been something in it, but he does not qualify it at all: he says that corn should be made free, and, of course, I must take issue with him. It is a debatable point whether corn ought to be introduced free for consumption, but it is not a debatable point that corn should be made free in its entirety—and why? Because half of the corn imported into this country goes into the production of spirit. It is well to show how much grain has been used in this country in the three years 1887, 1888 and 1889 for distilling purposes:

	Bush.
Wheat	39,264
Other grains	5,031,816
Indian corn	3,962,881
Total	9,033,961

So that you will observe that four fifths of the corn imported into this country has been manufactured into spirit. Now, is it in the interests of this country that we should import corn free and produce spirit from it? I say not. I say it is diametrically opposed to the interest of the farmer.

HON. MR. REESOR—You can increase the excise duty on spirit.

HON. MR. READ—The hon. gentleman says that the duty on corn is prejudicial to the interest of the agriculturist. I do not know exactly what agriculturists require, for I have never ploughed a furrow, I have never cut a sheaf of wheat, or driven a team on the farm, that I know of; but I do know how the farmer gets his money; and I believe that I know what is best for his interest. In this particular case it certainly is not in his interest that free corn should be brought into the country to be used for the production of spirit, because it comes in competition with all other grains he produces, a great deal of which at times he exports. It takes the place of rye, which we export every year. I know a distiller who has exported rye this year who says if the Government would go further and put such a duty on corn as would induce the distillers to use better grain than they are using it would be far better for the consumers of whiskey. I speak advisedly on this question, because I carried on a distillery myself for twenty-five years, and made as much spirit as would swamp a man-of-war; consequently, I am speaking of what I know. If the Government would put such a duty on corn that enters into the production of spirit, they would be acting in the interest of the farmer, and in that connection they would not increase the price but a very small amount to the consumer. The increased price to the consumer would be so small that he scarcely would discover it, and before I sit down I will tell you how little it is. It would furnish a market for articles which we have to export now, and which could be used by the distiller, and would produce a better spirit. When we want a good glass of whiskey it is old rye we ask for. Do we get it? No; 80 per cent. of the grain that goes into spirit is corn, which carries a large percentage of fusil oil, and is not as good a spirit as rye; 80 per cent. of the spirit that is consumed in the country is produced from corn, and the balance is from barley and rye. The following are the quantities for the last three years:—

	1889.	1888.	1887.
Malt	4,859,031	4,606,544	4,741,837
Indian corn	77,666,625	74,285,727	70,065,303
Rye	15,006,917	11,622,004	14,380,245
Wheat	99,087	2,256,809	1,682,766
Oats	1,285,281	1,380,889	
Barley	56,000	91,893	
	98,972,941	94,242,866	90,910,901

Now, my contention is that a good bill of grain—because that is what it is called by distillers—can be obtained without having corn at all. Up to the year 1845 we knew nothing about Indian corn being used for distilling purposes. I was not in the trade at the time; but in 1848 I, unfortunately, had a large distillery thrown on my hands at a moment's notice. A gentleman died of cholera in Montreal. I was on his paper to a large extent and in order to save myself from loss I took hold of his distillery, unfortunately, and ran it. It would have been better had I suffered the loss in the first instance. All the grain that was used in that distillery was rye, malt barley or oats. I have distilled buckwheat. But about that time the Americans began to find old rye whiskey dearer than whiskey manufactured from Indian corn and they began to distill corn, and I recollect very well the first corn brought for distilling purposes into this part of the country. Mr. Morton, about that

time, or a little prior to that time, had a standing advertisement in the newspapers that he would give 60 cents a bushel for all the rye delivered at his distillery for the next three years. He was a man doing a very large business and could command more capital than any man, so far as I know, between Montreal and Toronto. If at that time he had known how to use Indian corn in the production of spirit and how to get rid of the fusil oil which it contains, and which is injurious to health, he would not have advertised for three years for rye to run his distillery, and encouraged the farmers to raise it, and made a price for it. But, after that, corn came in free, and to my recollection there was not any more advertising of that kind in the newspapers. I commenced distilling in 1849 and for seven years I never had a bushel of corn in my distillery. I ran it entirely on rye and malt. I did not use oats, because you do not need oats when you have rye or barley. You can produce spirit from oats, but in using corn you must have something that is called a cap to keep the fermentation down to a certain stage. You must have something to float on the top of the fermenting tubs three or four inches deep. The shell of the corn will not float; it sinks to the bottom. Distillers would not use a bushel of rye, but would use corn altogether, if they could get as good a yield; but they cannot get as good a yield from corn alone, because they must have a cap of oats or rye to keep the fermentation. The best mixture to produce the greatest quantity of spirit to a given number of pounds of grain is corn and rye about half and half. But while you get a little less spirit perhaps if you use rye alone the difference is not so great as to make it an object to use corn if quality is required. My idea is, and it might be worth the consideration of the Government, that a duty should be placed upon corn used for distilling purposes. The hon. gentleman for Markham says, tax the whiskey? Does that help the producer of the grain at all? It is now taxed to an enormous extent. The pound of grain that goes into the production of whiskey costs three-fourths of a cent. That pound of grain pays to the country a tax of 6 cents. A distiller said the other day in the House that the duty amounts to $4 a bushel. I think that is little above the mark, but it is near enough. The duty being $4 a bushel, if they increase the bill of grain to the distiller 5 cents a bushel—or, say, an increase of from three-fourths of a cent to 1 cent a pound, you will see that the difference to the consumer would be so little that he would not perceive it. Consequently, if you encourage farmers to grow grain for distilling purposes it would not enhance the price to the consumer. The duty on whiskey at present is enormous. I have no doubt there are gentlemen in my presence who have bought whiskey at 20 cents per gallon. I have sold it for less, so you can understand the cost of production is very little. I have sold it for 20 cents a gallon and made a good profit. I can sell it to-day at that price, without duty, and make a good profit.

HON. MR. DEVER—Out of what?

HON. MR. READ—I can make it out of the bill of grain that is given here.

HON. MR. DEVER—What kind is that?

HON. MR. READ—Malt and rye, and barley and corn.

HON. MR. DEVER—I can make it out of corn for 7½ cents.

HON. MR. READ—But you must make a profit also, and I add the profit. I think it is a matter worthy of consideration. The farmers of this country are not in an unfavorable position. You will ask, how do I know it? I have made it my business to get information from every source, wherever I would meet a man that I thought would give me the information. I will say, so far as I can judge, that the farmers of this country are in a better position than the farmers are in any other country I know of—at least where they speak the English language. They are certainly now in a better position than farmers in the United States or England. While farmers in this country have not so much capital as they have in England, as their money is in their land and in their stock, it must be considered it is only a few years since this country was a wilderness, and the farmers who came here were, as a rule, men without means. When I was a boy of ten years of age I remember two ship loads of farmers left the town where I lived to settle in

Canada, in the county of Guelph, in the interests of the Canada Company, and now see what a thriving place it is. I remember at that time, when I was going to school, agriculture in England was in a seriously depressed condition. Banks failed all over the country, the war having terminated in 1815, and prices went down, until wheat, which was the staple grain raised by the farmers at that time, was sold for less than the actual cost of production.

HON. MR. REESOR—Was that before they had free trade?

HON. MR. READ—Yes; this was before we had free trade. When I was a boy of ten I left home and ran away to London, and have paddled my own canoe since that time. To show that agriculture is seriously depressed, I may say that the agriculturists of other countries are even more so, I will read what a very eminent man in the United States has to say about the depression in the neighboring Republic. I quote from a speech made a few days ago by Gen. Ben. Butler:

"General Butler was heartily applauded, and after a pleasant acknowledgment of the cordial greeting, proceeded to speak on the Farmers' Alliance, 'an organization of proportions very formidiable, and of a strength, if it can hold together in its action, which will be irresistible. It claims to be non-political; honestly so I doubt not, but how is it possible for the action of a body of men who think to influence the legislation of Congress and the Government of the country to be non-political? I suppose they mean, however, that they do not propose, as a body, to join either of the political parties, any more than such a body of religionists would propose to join any church. Their claimed object is to fundamentally alter and change the situation, business and production of the fruits of the earth, on which all at last depends, and their relation to the other industries of the country to the fullest expanse and in the most radical form.' Has the farming interest, asked the speaker, any need of action in its behalf in the matter of its position as the greatest industry of the country, entitled to a fair share in the rewards of its labors?

"He then proceeded to discuss the possibilities of the farmers' financial condition, showing the meagre returns of farm labor, and, as a subsequent result, that the farms were passing out of the ownership of the tillers of the soil, and that they are becoming simply tenant farmers, the worth of the land having escaped them in spite of all their industry. 'In the agricultural lands alone,' he stated, 'the farms of the Western States, exclusive of city, county and town property, there is invested in farm mortgages the stupendous sum of $3,450,000,000, at a rate of interest ranging from 7 to 9 per cent., to say nothing of costs and the commissions of agents, which have been taken from the farmers for procuring the loans of money, on the average not less than 7 per cent. There is no way of refunding or reducing this fabulous mortgage debt, with its oppressive and destructive rates of interest. It is equally impossible to pay even the interest upon this debt, the mortgages calling for from 7 to 9 per cent., while by statistics it is shown that the average profits on farming industries are between 4 and 5 per cent. only. These mortgages never will be paid, if for no other reason, because they never can be paid if the debtors were ever so much disposed to pay them. Even with the Silver Bill now on the *tapis* in Congress, and which in the view of some of the western men is to be the panacea of all financial difficulties, it would take all the silver that the mints of the United States can coin at the rate of four and a half millions a month, and all the silver that the silver mines can produce in that time, to pay one year's interest on these mortgages, supposing that no more money is borrowed.'

"'The examination of statistics in this matter concluded General Butler,' you may think, has been a dry subject; it has been an interesting one, however, and it has some features of amusement. One of them I will state to you: When a portion of the Farmers' Alliance in Kansas came out, denouncing their very able and eloquent Senator, Ingalls, because, as they alleged, he had suggested no methods for meeting this state of things which I have sketched, which substantially cannot be met by any legislation of Congress, another Senator, to put himself in accord with the Farmers' Alliance, immediately introduced a Bill providing that the Government of the United States should loan the farmers $3,000,000 to relieve them from their financial difficulties. When I saw the report of that Bill, as telegraphed by the Associated Press, I made a little calculation of results, as I not infrequently do, and I found that if it passed at once, and the western farmers should get the full amount of the money, without any toll or discount, they would be able to pay their debts to the extent of about two-thirds of a mill on the dollar on these farm mortgage debts only. Or, in other words, so as to get rid of remembering calculations, it would pay the interest on these farm mortgages for five days. I laughed. You will observe that I do not suggest any method of alleviation or remedy of these great evils. That is neither my duty nor my business. I am now a private citizen.' (Applause.)"

Then another speaker on the same subject said:

"Speaking of the farm mortgages, he proposed that the farmers do as had been done in Boston. Reorganize, issue *bonds for one-half* the indebtedness, payable in 100 years, and *the rest when they get the money.*"

Then another speaker:

"Senator Charles Carleton Coffin spoke at some length of the action of General Butler in declaring the slaves to be contraband of war and its influence upon the War of the Rebellion. There was, he said, a close connection between that declaration and the present condition and political equality of the colored man. He said there was greater distress among grain farmers to-day than among the corn farmers. He thought concentration of capital had something to do with this, and it was a momentous problem."

So that there seems to be a consensus of opinion that there is a great depression among the agriculturists all over the world. He says: "There is no home market for them which does not take its instructions from the seaboard, and the seaboard transmits the word of the foreign market." Of course, the prices in the home market are the same as in the market to which the products are export-

ed. I congratulate the Government upon their tariff in the interests of the farmers. To my mind they have been doing great good. Though I am not a practical farmer myself, I have been doing business with farmers for more than fifty-four years in an active business life. In all that time I had never seen the farming community in a worse position financially than they are to-day. I have seen them, perhaps, when they had not as much means, and when they had not imbibed such luxurious habits, but having got into such habits it is very hard to get rid of them. Like all others, they feel very reluctant to return to more economical ways of living. In the county where I live, when I first went there the spring carriages were assessed, and the assessment roll showed that there were seven spring carriages; to-day there are a good many more than seven thousand, though I cannot tell the exact number. In the county right opposite to where I live it is the same—that is the county where I met Mr. Wiman when he was lecturing on commercial union. I took occasion to combat his views and could scarcely get a hearing. I have lived long enough to see the sentiment in favor of commercial union declining until it has nearly died out. In that county the people had got into an extravagant way of living, the cause of which I will explain. About 1855 we began to export barley from that part of the country to the United States, and the Bay of Quinté barley was very much sought after. The brewers liked it because of its color and quality, and they purchased all that could be procured in that part of the country. Prices kept increasing during the Reciprocity Treaty to a certain extent, and after the repeal of the Reciprocity Treaty to a much greater extent. During the eleven years of the Reciprocity Treaty the average price that the farmers of this country got for their barley was 67½ cents; for the eight years after the repeal of the treaty the average price was 90¼ cents. At that time there was a Board of Trade meeting every year held here in the Railway Committee room, and I attended it as a member. I have always been anxious to have reciprocity with the United States, but in order to show them that we were not suffering because of the abrogation of the treaty, I quoted these figures, and they could not be challenged, because I gave them on the very best authority. During the Reciprocity Treaty I bought barley in enormous quantities and kept a propeller and a vessel of Mr. Flint's going twice a week to Oswego during the season. The Americans had had a family quarrel, which ended in considerable disagreement: they had not commenced to grow barley. They had plenty of greenbacks in their pockets, and they paid high prices for our farm products. One day I sold a large quantity of barley in Oswego at $2.45 a bushel, gold. In those days I paid the farmer from $1.20 to $1.40 a bushel. A farmer who delivered a hundred bushels of barley at my warehouse received for it from $120 to $140: to-day, if he delivers 100 bushels and gets $35 for it he may consider himself lucky.

HON. MR. DEVER—The reason why is, you are importing corn and making whiskey, instead of using the barley.

HON. MR. READ—I will come to that presently. I have hundred of times sent out vessels loaded with barley and brought back corn, but there was no duty then. I used corn because it was cheaper. I could sell the barley and buy corn to better advantage. I have mentioned the cause of the prevailing depression. Sometimes, in addition to low prices, we have had a failure of the crops, such as occurred two years ago in the part of the country where I live. The country for a hundred miles on each side of Belleville, a fertile agricultural district, was obliged to import hay that year almost at harvest time. Where I reside we had to get ten thousand tons of hay from Lower Canada. We slaughtered every animal we could kill and kept the rest of our stock the best way we could, paying $15 and $16 a ton for hay. You can easily see what a reduction was going on there. I had 135 acres under meadow, and I had about enough hay from it, with $500 worth that I bought, to keep my stock alive. That was the state of things then. We will come now to the present time. Last year we had a reasonably good crop, but what were the prices? If it had not been for the cheese industry the farmers of that part of the country could not have paid their taxes without selling their stock. If it had not been for the cheese industry we could not have lived at all, because one man purchased $900,000 worth to ship from that

district, and his brother bought $600,000 worth in the Brockville district. Barley sold at 35 cents, and if it was extra it brought 40 cents. It costs 60 cents a bushel to grow barley, if you charge a reasonable rent for the land. Wheat sold at 75 cents, and anybody who can grow wheat for less than a dollar a bushel must manage very well: it cannot be done. There, again, was a cause of reduction. Take the price of hay to-day: my son was offered $6.50 for two hundred tons of hay. I wanted to sell it, but not at that price. At such figures for farm produce, agriculture is unprofitable. The farmers are going behind. The average farmer of this country has not made both ends meet for two or three years: it is impossible for him to do it. I have an energetic, careful neighbor, a man whose father drilled him to keep a close account of every day's work and all his expenditure, and he tells me that last year he lost $150 on the year's operations and this year he is losing more.

HON. MR. McCLELAN—Does he include the shrinkage in value of his farm?

HON. MR. READ—No; you cannot sell a farm. People who own land have to stay there. I know a nice little farm, close to my own, one of the finest parts of Canada; the owner of that wrote me the other day that the farm is idle. He cannot get a tenant for it. I have 100 acres of land, every portion of which is cleared, and I had rented a portion of it for forty years; I cannot find a tenant for it now. It is practically in the city of Belleville; it lies right at the Grand Trunk Railway station.

HON. MR. O'DONOHOE—What rent have you been offered for it?

HON. MR. READ—It is 100 acres of cleared land, without a stump, half of it seeded down, and lies right in the city at the Grand Trunk Railway station. I offered it for $150, but he would not take it unless I paid the taxes.

HON. MR. DEVER—Is there a house on it?

HON. MR. READ—Yes; and a good barn. That is the state of things with us. I think I have explained why the farmers are not in a very good condition; the prices of produce are too low. That seems to be the case all the world over. It is as bad in England, and a great deal worse in the western States. I had a letter from a man in England that I have known since 1856. He is a farmer there, and writes me that he has lost all his capital without any hopes of return—that he is living at the sufferance of his landlord, who is an estimable man, but how long that will continue he cannot say. He mentions in his letter that he observes in a newspaper the assignment of a man named John Fisher, a sober, industrious man, also a farmer. I admit that those men do not work as our Canadians farmers do. If an English farmer were to labor he would lose caste. No men work harder than our Canadian farmers. From now until next fall the farmer will work fifteen and sixteen hours a day, not nine or ten hours, as the mechanic does. That work is steady and hard, with just enough time taken from the fields for meals. Nine-tenths of our farmers lead their men in the field. They have plenty of food and live well, but they cannot make both ends meet at the present time.

HON. MR. McCLELAN—What about the duty on corn?

HON. MR. READ—I will admit that the importation of corn for feeding cattle is a debatable question. There are two classes of farmers, those who feed stock as a business and those who produce grain. The former would naturally like to get cheap corn, but the other, a much larger class, want to get the best prices they can obtain for their grain. It cannot be exported, and they must sell it in the home market. It is a debatable question whether free corn for feeding purposes would be beneficial.

HON. MR. McCALLUM—Is not the land in this country capable of producing feed for cattle without procuring it on the other side of the line?

HON. MR. READ—We can raise plenty of feed for man and beast in this country if there is an inducement. But the farmers find that they cannot get a sufficient return for their labor to meet their expenses. Relief must come in some way. The farmers are rooted to the soil and cannot get away. Occasionally a farmer gets so far behind that he runs away. That occurred in the case of a tenant of mine last

year. He and his son had been engaged in feeding cattle. He lost $600, and he left the country.

At six o'clock Mr. READ discontinued his speech until after Recess.

THE BANKING BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (127) "An Act respecting Banks and Banking."

The Bill was read the first time.

HON. MR. ABBOTT—I think I must consult the House as to what the order of our business shall be. We have this Bill before us, and another important measure, and if this debate goes on we shall have very little time to do anything to them to-night. On the other hand, I am informed that there is every probability of the business of the other House being finished by to-morrow night, so that the prorogation may take place on Friday, and of course it behooves us to be up with our work in case that should happen. If this debate had finished, I was going to propose that we should suspend some of the Rules and take one of these large Bills and go carefully through it in committee to-night; but I see no prospect at present of being able to do that, especially as there are three or four Bills on the Paper which will take a little time after this debate is finished. I would, therefore, propose to the House to meet to-morrow morning at eleven o'clock, and with the understanding that I shall ask the House to do that, I move that the Bill be read a second time to-morrow.

The motion was agreed to.

THE TARIFF BILL.

FIRST READING.

A message was received from the House of Commons with Bill (143) "An Act to amend the Acts respecting the Duties of Customs."

The Bill was read the first time.

HON. MR. ABBOTT moved that the Bill be read the second time to-morrow.

HON. MR. POWER—Before that motion carries I wish to say a few words about the position of things. We have been here now for nearly four months. Most of that time the Senate has had very little to do. Now, at the end of the Session, the most important measures, which we have been looking forward to for the greater part of those four months, are brought down, and we are asked to put the Customs Bill and Banking Bill through to-morrow. I am not finding fault with the Minister who leads this House at all, but I am finding fault with the system. It is an outrage on the Senate, because we have not the time to give to either of these measures anything like due consideration. There is another point which seems most unquestionable in connection with those Bills: the Banking Bill was read the third time in the House of Commons last Wednesday, and we did not get it here until Tuesday of this week. The last three days we have met and adjourned before six o'clock. Now we might just as well have had that Bill here sooner and be dealing with it. There must be some reason for this apparently unaccountable delay in forwarding the Bill to us. We should have got that Bill on last Friday at the latest, and then we could have devoted yesterday to an intelligent discussion on it. The House is certainly entitled to some explanation of the delay in the forwarding of these Bills, and even though prorogation is delayed for a day beyond the hour when the House of Commons finish their business, we should be given time at least to go through these measures with a little care. If the Bill came up to us in the shape in which it was introduced in the House of Commons there would not be so much force in what I say, but the Bill has been very considerably altered in the other House.

HON. MR. KAULBACH—The Tariff Bill always comes up late in the Session, but I think the House should have some explanation why the Banking Bill has been so long delayed.

HON. MR. ABBOTT—My hon. friend is perfectly justified in the complaint he makes as to these Bills not having come up here before. I was surprised that they did not come up yesterday. I made enquiries and found that they had not come up. This morning I made a complaint in the proper quarter, that the Bills had been delayed, and at the end of the Session, too, and the gentlemen who have charge of that depart- were to enquire why there had been any delay. I believe it was in consequence of

my intervention this morning that we got the Bills to-day even. I understood, in an informal way, that it was in consequence of some new regulation that has been made in the other House about the sending up of Bills that this one has been delayed. I think it is an outrageous delay at this end of the Session, and I know that my colleagues are as indignant as I am, and will take care that it shall not occur again. But with regard to the other matter of which the hon. gentleman complains, let us look at it fairly, and I think we will find that no blame is attachable to the Government on that score. The Tariff Bill has been before the House for a very considerable period of time, but unfortunately—of course we have no right to find fault with it and we do not find fault with it—our system is such that the tariff, more especially, is made as it were the vehicle for all kinds of political motions. Discussions take place day after day upon it and no progress whatever is made. That, as any hon. gentleman can see by the proceedings that have been going on elsewhere, is the fact. These Bills were introduced in the other House in ample time to be carefully considered and passed and to come here and receive all the consideration that we might think proper to give them and with lots of time to spare, but they have been delayed day after day by motions which have no relation to legislation at all. It is not our fault: it is not the fault of the Ministry; it is not the fault of this House—it is the fault of the system, more than anything else, that we have reason to complain in that respect. However, apart from that, there is no power on earth that can make us close our sittings any sooner than we are satisfied to do it, and no power to make us pass Bills sooner than we can satisfy our consciences that we are doing what is right, and I for one will act in concert with every one in this House in seeing that we have proper time to consider all that we think requires consideration in the Bills coming before us. I do not think on that score that we need give ourselves any reason to complain, because it will depend entirely on ourselves.

HON. MR. DEVER—We have taken our time all along here in this House—we have been waiting for legislation from the other Chamber, and if the Lower House choose to keep us back, we have it in our power to show them that we are in no hurry to get through. For my part, I am satisfied to stay here a month yet, sooner than hurry through with measures which have not been placed before us in time.

At 6.10 p.m. the Speaker left the Chair.

After Recess.

HON. MR. READ resumed: When the House rose for dinner I was remarking about a tenant of mine who, from reverses that he had experienced, thought it better to leave the county and his debts behind him. He thought perhaps it was the better way to get rid of them. I may be told perhaps that he was a stranger to the home that he had, but when I tell you that his father and family have had it from me for forty years and he was not an old man, it is quite evident that he was not a stranger to the place, but from his non-success, having made some heavy losses in feeding some forty head of cattle, he got behind and things went from bad to worse. I should never have troubled him; if he could have paid me, well and good; I would have taken it; if not, I would not have pushed him for it. I suppose he did not think of that. I knew he could not pay me, even if he had met no losses. Scarcely any farmer for the last two or three years could pay rent for his farm. The man that rents land to-day, in the part of the country where I am, where there are as good farmers as in any part of Canada, cannot pay rent. The returns for his industry will not enable him to do so, and it is no fault of his or of anybody else, the blame cannot be laid to the Government or to anybody else that I know of, but to the fact that farm produce all over the world, as far as I see, is remarkably cheap. I do not know it myself, but I have been informed, and have reason to believe that it is the case that sugars have been sold in Glasgow at 1 penny a pound. You can easily understand the producer of that sugar did not get much for his trouble; transportation, packages and other expenses must have used up the most of the price received for it. Sugar has since fluctuated and has sold for higher prices, and is higher just now; but taking France and Germany, where the farmers are

growing beets to make sugar, it is quite evident that they get very little return for their labor. It does not seem possible for them to have anything for it. Then, take the article of tea, a few years ago it sold at retail at $1 per pound.

HON. MR. POWER—That is a good while ago.

HON. MR. READ—It is not 25 years ago since retailers sold it at $1 per pound.

HON. MR. DEVER—Where was that?

HON. MR. READ—In Ontario.

HON. MR. DEVER—That must have been in the backwoods.

HON. MR. READ—I am told that tea has been of late selling almost for nothing; and coming down to actual facts, I was at home a day or two ago and relished a cup of tea, and I asked the price. My son told me that he had bought it at 25 cents a pound or five pounds for $1. The farmer is getting the advantage of these cheap things, but where he has anything to pay he cannot realize enough from his produce to pay it. I think that the Government, as far as the tariff is concerned, has framed such a tariff as is greatly in the farmer's interest. Nor does it look to Washington one bit. It is a tariff in the interest of Canadians, and Canadians, as far as I can see, farmers in particular, have reason to be satisfied with it. The time was, I suppose, when the National Policy was rather against them. The high duties worked a little against them, but we have overcome it, and the manufacturers are now giving farmers their implements at as reasonable a rate as they can be got in any other country.

The hon. gentleman that moved this resolution read something from Mr. McKenzie's speech, in which he is reported to have said that they imported twenty-five millions of dollars of agricultural products, and that they imported more than they export. I happened to be at the great Detroit convention (of course we always compare the present condition of trade with the time the Reciprocity Treaty was in operation) and I had the pleasure of hearing that memorable speech of the Hon. Jos. Howe, and if ever I felt proud of a Canadian I did on that occasion. I could have carried him to his hotel on my shoulders with the greatest of pleasure. What did he state there before 400 American merchants, the great business men of that great country? He stated that during the ten years of reciprocity Canada has paid $50,000,000 more to the United States than she had received from them—or, in other words the balance of trade was $50,000,000 against Canada. He has compiled those figures from the best authority, no doubt, and there was not one man to get up and answer it. I have always thought that when we sold raw products to our neighbors and bought manufactured goods in return that the Americans had the greatest advantage, but our free trade friends in this country had educated the people to believe that we could not live without free trade with the United States. We have lived, however, and gone along and prospered, and while we have traded with them to a great extent, and always liked to trade with them, and when I sent them a cargo of barley and brought back a cargo of corn, there was reciprocity in it—it was not all on one side—the profit was not always with us and nothing for them. The balance of trade has always been against us. That was not the reason for abrogating the treaty; I heard it at the Detroit convention. I happened to be in the American corner, walking about, when one gentleman came up to another in a great hurry and said "Potter has just arrived, and the Government do not want a resolution passed in favor of a reciprocity treaty." It turned out that Potter was the American consul at Montreal. From that time to this they have had the same object in view—that we can be starved into the union. So far that object has failed. The abolition of the Reciprocity Treaty has taught us self-reliance. We have started new industries and found new markets; and while I admit that our agricultural interests have suffered as they have suffered all over the world, we are progressing rapidly, and while we attend to our business and look out for ourselves we need have no fear for the future of this country. I believe that our people are as energetic, industrious and enterprising as any others, and will hold their own with any people that I know of. The hon. gentleman told us that we should sell our pease and buy American corn. We do sell the Americans pease, and they pay the duty. The hon. gentleman will perhaps dispute that asser-

tion, but I tell him that in the part of the country I represent American agents are there distributing fancy pease in thousands of bushels for market purposes, and for canning purposes, amongst our farmers, to grow them on contract, because on the other side of the line they cannot grow pease. They get wormy, and are not fit for food. The climate or some other influence is against them. Under these circumstances, thousands of bushels of seed pease are given out in our part of the country on the condition that the farmer will return all the produce, and they are paid on contract, according to the description of the pease, from 80 cents to $1.10 a bushel. The Americans agree upon the price for them, and pay the duty, because they have only ourselves to compete with them. They set the price, and if one man will grow them cheaper than another, I suppose they contract for the lowest price they can get. We also sell them pease which they manufacture into coffee. The hon. gentleman says that the farmer would make 10 cents a bushel by exchanging his pease for corn; but the farmer who takes 100 bushels of pease to market loses one day; he has got to draw the pease to market and sell them. Then when he buys the corn he has another day's work; so that if he counts his own time and the time of his team he will find that the 10 cents difference my hon. friend speaks of is not all profit. The hon. gentleman stated that since the duty has been put on corn our farmers fatten less cattle. Well the returns of our exports do not show that. In 1875 we shipped 1,112 head of cattle; last year we shipped 88,000 head of cattle. The year before that we shipped 61,000, showing that at least the shipments of cattle are increasing, so that while in the part of the country where he comes from they may have stopped feeding cattle, in other parts of the country the business has increased. Now, I come to a point to which I would like to draw the attention of the Government. They have been doing a good work for the farmer, but I think they can do something more. What I wish to bring to their notice is the importance of placing a higher duty on corn that is used in the production of spirit. Last year we imported 1,400,000 bushels of corn for the production of spirit. Now we can produce in this country grain that will make better spirit and nearly as much of it. The distillers like corn because the refuse is very good for fattening purposes, but the refuse from rye and barley is almost as good. I should like to see a duty imposed on corn used in the production of spirit, to encourage not only the production of corn in this country, but also to provide a market for rye and barley, which we are now obliged to export, because there is no demand in the country for it. What have the distillers done—what have I done myself many a time? When we had not good transportation facilities in the winter season we filled our warehouses with corn in the fall of the year. With our present railway facilities we can get corn at any time and we can buy rye or barley as we find it to our advantage. If corn is dear in the United States we buy rye and barley; if corn is cheap we import it. We have been taught how to get the largest amount of spirit out of corn. At the first we could not get much, but after a time we learned improved methods of manufacture. I paid $1,000 to have one of my men taught how to make more spirit out of corn, and I paid $500 for his expenses besides. Only the other day a distiller told me that he had paid $1,000 to learn an improved chemical process for making a larger amount of spirit from grain. You can get from rye a very good yield, and the increased cost of the rye to the distiller would be very little—at least the gallon of spirit would not feel it very much, or in fact anything at all. There are nine distillers in this country, and three of these would make no complaint, because they manufacture malt whiskey. That would leave six to be considered. One of these, if he did find fault, would not, as Lord Salisbury said, speak at the top of his voice. The reason he would not complain at the top of his voice is because he is in a district where he can furnish himself well with rye or any grain he requires, and he goes to the people for their votes. That leaves five distillers, and these five would squeal a little: but we have all the rest of the farming community to be benefited by the duty. These five distillers get their corn from Chicago. If, instead of paying three quarters of a cent a pound for it, they had to pay 1 cent a pound it would not ruin them. They are all immensely rich. They have got the thing nicely managed. Anyone commencing is

handicapped by the law, and perhaps it is in the interest of the consumer, because to-day if you commence to distil you cannot sell a gallon of whiskey short of two years. Consequently, a man who erects a distillery has nothing to sell for two years, and must have a good deal of money to commence with. I do not find any fault with that. They say it makes better spirit; I have no doubt it is a little better, but that is not the way good spirit is made. The spirit is improved by rectification. I would suggest, to encourage the growth of corn in this country, that a duty should be imposed. It can be grown, but not at 30 cents, or even 40 cents a bushel. It may be produced at 60 cents, but at a lower price it would not be profitable to grow it. I have paid $1 a bushel for rye myself, for distilling purposes, so even at 60 cents the distiller would have no cause to complain. He could not go to Chicago for corn without paying a high duty, and he would consume our own products and keep the Canadian market for the Canadians. If we will drink whiskey, we should produce it ourselves. Let us have the old rye whiskey so much spoken of, and which you so seldom get. You get corn whiskey. Not more than 20 per cent. of the "old rye whiskey" is made from rye; it is made from imported corn. The distillers know how to take the fusil oil out of it. You would get better spirit if it was rye that was used, and better still if it was malt. What is Irish and Scotch whiskey made of? Malt. We malt rye; I have malted thousands of bushels of rye and barley.

HON. MR. McCLELAN—What about corn for feeding purposes?

HON. MR. READ—As I said at the commencement, that is a debatable question. I have not satisfied myself whether it would be in the interest of the farming community generally. I hope the Government will look into the matter that I have suggested. I know that they would meet with the opposition of the five distillers to whom I have referred, because it would be less convenient for them to procure their grain in this country. All they have to do now is to telegraph for 10,000 bushels of corn, and it comes to their doors; if they could not do that, they would have to pick up the grain in this country. The Government have done a great deal this year in the interests of the farmers, but I think something more should be done, if the Government in their wisdom can see their way to following the course I have suggested. I know that the toilers of the world are suffering—there is no suffering in this country for want of food; everybody has plenty to eat and wear, but the farmers cannot pay their debts.

HON. MR. VIDAL—I did not rise to discuss the question, but to call attention to the fact, that the matter which has been occupying our time since we met at three o'clock is plainly not conducive to the progress of business. There is a large amount of work to be done, and this discussion is in the way of that work. I ask the Speaker what question is before the House? There has not been an enquiry or a motion made.

THE SPEAKER—The notice is that Mr. Reesor will call attention to the subject which is under discussion and make an enquiry.

HON. MR. VIDAL—The hon. gentleman made his speech and asked no question; there is nothing before the House.

HON. MR. DEVER—I think this House and country have a right to thank the hon. gentleman who has brought this question before the Senate. In my opinion it is one of the most important subjects that can be discussed in this House. It is one that, since the inception of Confederation, has seriously affected the interests of this country. A large monopoly known as the spirit monopoly got hold of the Government of this country, and from Confederation to the present day has held it as against the interests of the consumers. In the first place, I contend that if spirit is to be made in Canada it should be made from the native and not from foreign grain. From the returns of the Inland Revenue Department it appears that 70 per cent. of the spirit manufactured in Canada is made from foreign corn imported from the United States. Nobody can say that this is a benefit to the people of Canada; we can produce wheat, barley and rye to any extent, and anyone who is acquainted with the subject knows that those grains are the very best that can be procured for the manufacture

of spirit. The excellent whiskeys of Scotland and Ireland, and the gin of Geneva, are manufactured from rye. We can raise rye and barley cheaply in this country, and there is no reason why we should import corn for the purpose. It is not whiskey, but the article that is known as alcohol that is produced from corn. The hon. gentleman says that the farmers of this country should feed their cattle on native grain. I agree with him that they should, if they have it, but why should not the consumers of corn be permitted to import it without paying duty? Surely when it is used for producing beef and pork it is more beneficial to the country than when it is used for the production of the article known as alcohol. I do not think that we want alcohol in this country, except for chemical purposes; but if we do want it we can import it in the crude state from the country where corn is cheap, and where alcohol can be produced at a much lower cost than my hon. friend stated. It is quoted to-day in the New York market at 29 and 30 cents a gallon. In Canada, from the best information I can get, alcohol of the same grade costs $1 a gallon, showing that it cannot be made in this country at all to compete with the alcohol produced in the United States. It is abnormal to this country: it is forced by an extreme protective duty, until now it has become a monopoly, and it is utterly impossible for men of small means to go into the manufacture of it because of that monopoly. We know that in producing spirit from malted barley we can have a whiskey that will be popular the world over. It will be a good article of export because, there is no reason why we should not manufacture it in this country, where we have such an abundance of grain.

Besides I hold that it is the true interest of the farmer and of the Government of this country to encourage the growth of those grains, instead of importing Indian corn, which we cannot raise in the country. My hon. friend says that we export rye and other grains from this country. Why should it not be so? There is no market for it here, because the corn of the United States is imported to take its place; 70 per cent. of the United States corn is put into every article that our grain should go into. There is the answer for that at once. Again, he tells us that the duty should be kept on corn because it enters into the manufacture of alcohol. I do not see any reason for that. Why not admit the corn free, and put all the duty on spirit, and then we get the duty that we collect now on both the corn and spirit. In that way the farmer, the feeder of stock, the general consumer and manufacturer can have his grain free, and all the duty desired can be collected on the spirit manufactured from it. There is another point I wish to refer to, and it is this: in my opinion there is a great desire on the part of the Inland Revenue Department to make a display of duties. They make a display of duties on spirit, which is a very fine showing, it is true, to a superficial observer, but the same duty, to a very large extent, might be collected from imported spirit. When we import spirit in quantity equal to the article known as alcohol, and it comes through the Custom house, hon. gentlemen will see that there would be no duty lost; it would simply be collected in the Custom house instead of in the Inland Revenue, and would be collected from spirit imported from abroad. This is a subject that requires a great deal of consideration, and apparently the House is not prepared at this stage of the Session for the discussion of so large a question. I did not think the debate would drift into this form and was not prepared to-day to discuss it, but I am fully aware that if hon. gentlemen would give due consideration to this question, and especially the Government, it would be seen that a very great improvement could be made in the tariff.

HON. MR. McCALLUM—The mover of this resolution and the hon. gentleman from Quinté have spoken a good deal about the importation of corn. Anyone listening to the speeches of these gentlemen would fancy that there was not land enough in this country to raise feed for our own cattle. The duty of nine-tenths of the farmers of this country is to sell farm products, and not to buy—to raise feed enough for their own stock and sell something besides. That is my idea of the duty of a farmer. The hon. gentleman from Quinté said that agriculture is so depressed that he could not rent his farm. No doubt there is a great deal of truth in that. All the good farmers in this country who are fit for their business run farms of their own. If they cannot afford to buy

here in the older Provinces they go to the North-West, where they can get land for nothing. We are told that the farmers are very poor. It is true that farm products are very low in this country at present, but they are low also all over the world. The farmers are now staggering under a load of debt, but they are not nearly so badly off as they are in the United States to-day. As long as the farmer raises a good crop he is all right, although prices are low, but if he gets a reverse, what is the result? We should look to the future. I say that the farmers of this country are staggering under all the taxation they can carry. It is useless to discuss this question of the taxation of corn at present. As I understand it, the duty on corn is already fixed for another year, and it is useless to take up the time of the House discussing it this Session. In my opinion, if you take the duty off corn it will at once lower the prices of the coarse grains raised by every farmer in this country.

HON. MR. DEVER—How do you make that out?

HON. MR. McCALLUM—I am not going to discuss the question at this stage of the Session; we shall have another opportunity next year. With the urgent business that is now before us this is not the time to discuss such questions. When any hon. gentleman rises in this House and contends that we should allow the products of the United States soil to come in here free while the products of our soil are taxed on the other side of the line, he is not talking in the interests of the people. We may have any amount of land in this country, enough to raise all the feed we want for ourselves as well as for our stock, and to admit corn free of duty would be an unwise policy.

HON. MR. DEVER—What do you let it in for whiskey for?

HON. MR. McCALLUM—I do not deal in that article. If you ask my hon. friend from Sarnia he will tell you all about it.

HON. MR. HAYTHORNE—The debate has diverged from the object of the hon. gentleman who introduced this question, from agriculture to distillation, and I think without very much advantage. It is perhaps impossible to discuss the interests of a country like Canada, which raises in profusion cereals and dairy produce and cattle, and everything in fact that comes from the soil, in much greater abundance than she requires for her own consumption. She must necessarily, therefore, find an outlet for that surplus somewhere. Happily she has the mother country ready to take everything that we can dispose of. Now, if we look at the comparatively early period of its history, in spite of legal enactments and everything else, we see the principle of division of labor pretty firmly established amongst British agriculturists. They were not highly cultivated men in those days, but in each district they adapted their labor to the requirements of the locality and the capabilities of the soil. One part of the country was devoted to dairy purposes, another to hop-growing, another to malt and barley, another to wheat-growing. This question of malting barley has considerable interest for Canadians just now, and also in connection with the Indian corn of the United States. I think myself that it is a happy state of affairs, that out of the arguments of the hon. gentleman from Quinté we can adduce the fact that in spite of all the angry feelings which have been displayed by certain United States Senators and journalists, and notwithstanding their disinclination to trade with us, that when they want pease they have come to Ontario for them. That I call a happy incident, because it shows by the comity of nations that what one country cannot produce to advantage another can, and that necessity actually sends Americans who want pease to Canada, where they can get them good and cheap. It is pretty much the same thing with other articles. Take, for instance, the Province from which I come. I find in that Province that which we call coarse grains, in average seasons, can be grown to great advantage. First-class barley for malting purposes can be grown there, and also a very superior quality of oats. For these coarse grains very good prices can be obtained, if properly cured, and sold in proper markets. I observe of late that in England the best malting barley has realized more money than the very best wheat. Lately the highest price that could be obtained for the best Manitoba hard wheat was forty shillings. That was the outside price that could be had on certain days in Mark

Lane. The highest price on the same list for the best barley was forty-seven shillings, and several other qualities were quoted as high as the best wheat. Here is an indication that those parts of Canada which can grow these qualities of barley should be devoted to that purpose. Other parts adapted for dairying should be devoted to that industry. In Prince Edward Island, oats, within my own knowledge, have been raised of a very high grade, and have often weighed from 40 to 42 lbs. to the bushel. To apply such oats and such barley to the feeding of cattle would be, I think, a great waste of our resources. Would it not be the more obvious plan to purchase the cheap American corn which has been delivered in London at from 18 to 20 shillings per quarter, of eight bushels, weighing 480 lbs. Surely it is a much cheaper plan to put Indian corn of high feeding quality before animals than it is to put higher priced coarse grains before them which have a special value of their own, which Indian corn has not. Surely the division of labor amongst farmers ought to teach us that lesson—at all events if it teaches us nothing else; and for that reason I regret to find a disinclination on the part of the Government to give us cheap corn. We were told that Chicago beef would be sent east and sold in the shambles of our Lower Province cities for a less price than our farmers could afford to sell theirs. I suggested that the remedy for that is for our people to eat American beef, and that we should avail ourselves of the advantages we have geographically and climatically to feed our own cattle as highly as circumstances will permit, and assist the process by cheap Chicago corn, and then avail ourselves of our privilege in the English market of delivering our cattle there alive. That, I think, is not only a feasible plan but a possible plan such as would commend itself to any hon. gentleman who is accustomed to the feeding of cattle in the cool climate of the Maritime Provinces. I have fattened cattle myself, and have occasionally used good coarse grains for that purpose, but I found it was a misapplication of a valuable kind of grain. What was required besides good hay and turnips to finish steers, was feed of a better description, and I had been myself in the habit of buying oil meal for that purpose, and it is a very excellent article, but gentlemen tell me that an animal so fed will not increase in value in proportion to the amount of food consumed, and that, consequently, there is a dead loss in feeding in that way. Those who argue in that way overlook an important factor in the undertaking. An animal that is fed on turnips and hay for four or five months, is at the end of that time only a second or third-rate animal, and accordingly bears only a second or third-rate value; but when he has been fed in the style I have described, with Indian corn or oil meal in addition to those things, it is not only the additional weight the animal acquires from that feed, but it is the additional value which the whole carcase acquires in consequence of its superior quality. It is moved upwards from third-class meat to first class, and the whole value of the animal has been increased by the improved feeding. The hon. gentleman from Monck seems disposed to think that we ought to finish our cattle with Canadian products, and the hon. gentleman from Quinté thought that we ought to make our whiskey with Canadian products; but I am inclined to think that their arguments are in favor of utilizing Canadian products for purposes for which they are not best adapted, and when we require articles of lesser value for particular purposes we should buy them and use them accordingly. There has been a speculation entered into by the Government this year on which I wish to touch, that is, the purchase of seed barley. If that speculation is carefully carried out in good hands it may be found to be very successful. Much of the Canadian land appears to be getting sick of the wheat crop, but will grow barley, and grow more bushels of barley to the acre than of wheat; and, as I have shown in the commencement of my address, first-class barley will bring more in the English market than first-class wheat. It is always difficult to procure, and we know that the increase in the brewer's interest makes it more important than ever that they should have this barley, in fact they are prepared to ransack the world for it.

HON. MR. KAULBACH—I think this debate is out of place;—that we cannot impress the legislation of the country with it at this late stage of the Session. If my hon. friend had brought up his question

at the commencement of the Session, it might have impressed itself upon the legislation of Parliament; but to bring it up at this late period it can have no beneficial effect. I am surprised at the position taken by the hon. gentleman from Prince Edward Island, because, if I understand the industries of his Province, the farmers engage largely in pork raising, and no better pork can be raised than that made from potatoes and oats. If corn is brought in free, it must displace the coarse grains of this country, and the best consumers of our coarse grains are the cattle and pigs of this country.

HON. MR. REESOR—Before this question is disposed of, I wish to say a few words in reply to what has fallen from the hon. gentlemen from Quinté and Monck, and my hon. friend who has just taken his seat.

HON. MR. WARK—The hon. gentleman is out of order. The Orders of the Day were called, and the first order was read by the Clerk.

HON. MR. PROWSE—There are several other gentlemen who would like to express their views on this question if it is to be proceeded with, but there has been a great deal of time lost during the Session, in which it might have been brought up, when it could have been discussed fully. It is now too late to do so.

HON. MR. REESOR—I am within my right in asking to say a few words in closing this debate. The complaint has been made continually that to admit corn free, would destroy the market for our own coarse grains. That is a very great mistake, and I thought I had answered it some time ago, but I will just read from the blue book the amount of pease exported by this country last year. We exported 1,982,853 bushels of pease, which were sold for $1,449,417. Now, that is more than the total amount of corn that we imported and paid duty on. If we had had more pease to sell we could have sold them, and the Americans would have paid the duty, as they must have our pease.

HON. MR. REED—The hon. gentleman says that is more corn than we import and pay duty on. We paid duty on over 2,000,000 of bushels.

HON. MR. REESOR—I say that is the amount consumed by the farmers and that is the question brought up, simply to have the tarif so far amended as it affects the products of the farmers, and it is not because individual farmers ask any advantage. The manufacturers throughout the whole country are protected. You will find page after page of the old tariff, as shown in the blue book, devoted to the enumeration of articles allowed to come in free, partly manufactured, not manufactured at all or wholly manufactured, in manufacturing. They may import them free, but nobody else can do so. This is the case in regard to certain kinds of steel wire—and certain things that are used and worked up into manufactures—for instance, in the manufacture of the little article, of crinoline, and other articles for ladies wear. The raw material is allowed to come in free, simply because someone keeps a dozen or two of hands to work up this material and sell it as a manufactured article afterwards. The suggestion that I have made in regard to the farmers is a matter of the utmost importance from a national point of view. It enables the producer of one of the most important exports of this country, one capable of being developed to the largest extent of any product in this country, beef and pork, to greatly increase and develop his business. My hon. friend from Quinté has said that farmers produced coarse grains and were not able to use them, and had to sell them, and it was a question whether those who were wealthy and were able to buy store cattle or breed store cattle and feed them ought not to be made to pay a higher price for our native grains rather than buy cheap corn from the United States. If he wishes to discourage the development of an industry undertaken by the wealthy class of farmers who are able to buy store cattle and feed them, he would do so by adopting that policy, and would thereby inflict a great injury on the poor farmers, because the poorer farmers left to themselves become miserably poor during a period of scarcity, and it is no wonder that in the neighborhood of that description it would be hard to sell or rent a farm. I may say that nothing of that kind exists near the city of Toronto. In Ontario, Halton and Peel, it is true, land has gone down in value, but only a few weeks ago a farm

was rented at $4 an acre, and in hands likely to pay the rent. But it is by growing stock and keeping a dairy that he will do it. He would rather pay half a dollar an acre more for the land, if he could get cheap corn in exchange for the pease and oats he can raise. The hon. gentleman from Toronto wanted to know if it was not the business of the farmer to raise the feed for his own stock. That may be all very well in a small way, for a farmer beginning, not able to buy, and only able to raise coarse feed; but if he wants to improve the condition of things—if he wants farmers to work up on a higher plane and take a position that would be tempting to vigorous, intelligent young men who have some capital, and make farming respectable, then he should give them all the opportunities that nature offers, and every fair play in competition with other countries. If we have neighbors who can produce an article very cheap, we should be allowed to buy from them. I admit it does not pay the American farmer. Back in Kansas, Nebraska and part of Illinois, where they are remote from railway communication, and where the railways charge extravagant rates, they do not get over 18 or 20 cents a bushel for corn. It does not pay them. No wonder they are poor and have to mortgage their farms, and expect difficulty in redeeming them; but is that any reason why we should not take advantage of that state of affairs to benefit ourselves? Their products are open to the markets of the world, and to-day, I believe, corn is delivered at Liverpool as cheaply as we can get it here in Canada, because we have a duty of 7½ cents a bushel on it. It would be cheaper and better for us to sell our fatted animals and ship them to Liverpool if we had the feed to do it with, without costing us too much. If we sell our best fatted bullocks for the English markets at $5.50 per hundred and they cost us $6 per hundred to produce them, where is our profit? Yet, hundreds of thousands of tons of excellent beef are sold at $5 per hundred. Even at $5.50 or $6 per hundred you would only have the manure left on the farm as profit. You cannot induce men of energy and capital to follow farming as an industry and take all the risk of it, if they do not see some prospect of getting a profit on the investment of their money and their labor. It is utterly impossible to expect it; but if you allow them to buy in the cheapest market and to sell their products in the best market, and to get the cheapest feed without putting a duty on it, then you will be treating them as you treat the manufacturer. The manufacturer gets his cotton and wool duty free. It is true that a duty is put on wool, but it does not reach the kind of wool that is grown in this country. In the United States they put a duty of 10 cents a pound on fine wool; they cannot import fine wools there without paying double the price that our manufacturers pay here, though our woollen manufacturers are protected by a duty of 35 per cent. and they get their wool perfectly free. Cotton manufacturers get their cotton free and they have a large duty on the manufactured article; but the farmer, who is expected to compete with the farmers of the United States and in fact with the world in the markets of England, has no protection, and you compel him to pay more for the raw material out of which he produces his beef. That is what we complain of as being unfair and unjust.

HON. MR. READ—Will the hon. gentleman tell the House that we imported 20,000,000 lbs. of pork for consumption last year.

HON. MR. REESOR—We imported a great deal and we re-shipped it. We imported something like 200,000 hogs last year, had them slaughtered and dressed into bacon and hams, and sent them to the old country. We do not begin to raise the pork even that we consume. I admit that; but we ought to have the liberty to import the raw material free to make that pork —not only to supply home consumption but to create a large export trade. I simply close my remarks by asking the Government whether they will hold out any hope that they will remedy the tariff by removing the duty on corn imported by farmers for feeding stock?

HON. MR. ABBOTT—I presumed the hon. gentleman would ask me the question on the Orders of the Day whether there is any prospect of redress in favor of the farmers of Canada. I do not propose to enter into a debate on the matter, but simply to answer the question which my

hon. friend has put to me: The Government do not consider that the farmers are laboring under any grievance that requires redress in respect of the duty on corn. The Government have, throughout their tariff, especially of this year, sought to do everything in their power to improve the position of the farmers in the country, and the preservation of the duty on corn is one of the things which, in their opinion, benefits the farmer. My hon. friend speaks from the point of view of the cattle-feeder more than of the farmer, as I understand it. A large proportion of our population raise coarse grains throughout the Dominion, and the admission of corn would come into direct competition with the coarse grains which are raised in large quantities, more especially in other Provinces than that in which my hon. friend lives—in Quebec and the Lower Provinces—and it is precisely on the same principle in all respects as the National Policy is governed by that the duty is placed on corn. In accordance with that principle, also, the duties on other cattle foods are removed by this tariff. There is no duty on oil cake, cotton seed and other articles which go directly to the feeding of cattle, and which do not compete with the products of our farmers.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of (Bill EE) "An Act further to amend the 'Dominion Lands Act.'" He said: This is a Bill to facilitate the granting of lands, and in place of a law which already exists on that subject, which contains a clause that is impracticable. In other words, section 23 of the Dominion Lands Act, which is repealed by the first clause of this Bill, provides for the granting of lands *en bloc*, and includes in the grant the Hudson Bay lands which the Government undertook, by an arrangement with the late commissioner, to supplement by furnishing lands elsewhere. The Hudson Bay Company were not satisfied with the arrangement made by their commissioner, and they have declined to carry it out, and the consequence is that it now becomes necessary for the Government to omit the lands of the Hudson Bay Company in making grants of this kind, and leave them as they are. The law is framed in such a way that they can, as before, make a grant of fractional parts of townships, but they cannot include the Hudson Bay Company's lands in those grants, but must supplement them elsewhere.

HON. MR. SCOTT—This relates to school lands only?

HON. MR. ABBOTT—The one which is repealed relates to Hudson Bay lands also. It gave the same right to deal with Hudson Bay Company's lands that this gives to deal with school lands.

HON. MR. PERLEY—Do you not think that it would be unwise to allow that in the case of school lands, because it would depreciate the value of such lands?

HON. MR. ABBOTT—This Bill does not relate to school lands in minutely surveyed portions of the country; it is where larger blocks of lands are granted in settled portions of the country. The Government only grant land, where they grant it at all, in alternate sections. In the wilder portions of the country the lots are not surveyed, and they want to grant larger blocks of land. They have had the power to do this for several years past, but that included the power of granting Hudson Bay Company's lands, and they now take out the power of granting those lands, because the Hudson Bay Company have withdrawn their consent.

HON. MR. PERLEY—I understood that the object of reserving lands for school purposes was to help the schools of the country. If you take those school lands from the vicinity of the railways and place them further away you diminish their value.

HON. MR. ABBOTT—My hon. friend is arguing against a law which has been in force for four years. We are not changing it. No evil or difficulty has been caused by it. That has been the law since 1886; we are not altering that at all.

HON. MR. POWER—Does the hon. gentleman refer to the Dominion Lands Act?

HON. MR. ABBOTT—I refer to the Act 49 Victoria, chapter 12.

HON. MR. REESOR—Does it apply to Manitoba, or only to the North-West Territories?

HON. MR. ABBOTT—Only to the Territories.

HON. MR. PERLEY—Have any lands been granted to railway companies on that basis?

HON. MR. ABBOTT—All lands that have been granted to railway companies during the last four years in the unsettled portions of the Territories have been granted in that way. As to the remainder of the Bill, it is almost entirely devoted to simplifying the method of granting patents for homesteads. There are several minor changes altering the provisions which have hitherto created obstacles to their getting patents. For instance, sub-section "*a*" of section 2 provided that a man who has erected on his homestead a habitable house, and has lived therein for three months immediately preceding the application, may get a patent. That is altered by rendering it unnecessary that he should have lived there three months immediately previous to the application. That is considered to be an improvement. Clause 6 is new, and is framed to remedy a difficulty that has occurred on several occasions, where a person who has obtained a homestead entry has abandoned it for several years and cannot be found. Although he has abandoned it, the Department has not thought it prudent to grant it to another applicant until the original homesteader has been found.

HON. MR. PERLEY—Will not this apply to everybody?

HON. MR. ABBOTT—Certainly. The period is limited to five years. The homestead is not absolutely forfeited; this Bill only gives the Government power to get rid of an incohate right which would otherwise prevent the land ever being settled.

HON. MR. KAULBACH—Are the conditions less stringent as to getting the patent?

HON. MR. ABBOTT—Less stringent in every instance.

HON. MR. SCOTT—I think it is extremely unfortunate that a Bill of this very great importance should be presented to the House just at the time when we are told that His Excellency is coming down to prorogue Parliament. The subject of this Bill is one to which this House has given a great deal of attention. In former years, when this question of homesteading was up, the Senate pressed on the Minister of the day, from day to day and week to week, until at length he was forced to yield, to grant more liberal terms on which lands could be acquired in the great North-West. The Senate did itself very great honor by taking that course and refusing to accede to the request of the Minister, who had charge of the Department at that time, in regard to these details. The hon. gentleman says that this Bill is more liberal. Of course, we have to take it on his word. I do not think I am saying too much when I assert that he is taking it on the word of some official in the Department who has prepared this Bill, and therefore he tells us, in all good faith and sincerity on his part, that this measure is one to facilitate the issue of patents. It is an extremely important Bill, and I do think it is treating the Senate very improperly to bring down a measure of such magnitude and importance, affecting the question of the acquisition of lands in the North-West, at this late hour. It is quite unpardonable: there is no justification for it at all. It was known four months ago that such legislation would be required—it was known a year ago—and why should this Bill be interjected into the House at this particular hour, late in the evening of one of the last days of the Session? It is quite impossible for anyone to take it up now and analyze it, and ascertain whether the Bill is in the direction of ameliorating the condition of things in the North-West. There is this important question of absorbing the school lands in the North-West. I confess that I have no recollection of the passing of the original Act. I suppose it went through just as this is going through now, in the last expiring days of some particular Session, when hon. gentlemen were told that it was all right, and they could accept it on trust, and there was no use prolonging the debate. It is a great misfortune that the school lands of the North-West were not preserved in the location where they were originally placed. They were put there because it was believed that by sub-dividing them in

regular order over the several townships they would increase the value *pro rata* with the lands around them. But greedy companies came and said: Give us those lands *en bloc*, and the Government moved the school lands further off and further off. That is not the true policy. We should let the school lands proceed *pari passu* with the development and improvement of the country, and gain their share in the increased value from time to time. That is the true policy, and I regret to hear now, for the first time—and it is discreditable no doubt to Parliament—that a change of so great importance was made without comment upon it. It is the boast of the newer States of the Union that they have magnificent scholastic institutions. Take Illinois, Iowa and other States: the school lands were an important question there, and large reserves of land were made for the endowment of schools and universities, and the scholastic institutions of the west are the most richly endowed istitutions in the world, considering the circumstances of their position. We in Canada ought to have done exactly the same thing, yet here we are told, forsooth, that the school lands must be found somewhere else. The Government have taken power, under pressure of corporate bodies who claim the whole of the lands in a particular area, to place the school lands at a more remote distance. I think it exceedingly unfortunate and very much to be regretted. I do not feel capable of going into an analysis of this Bill. My hon. friend says it is more in the interest of the settler than the existing law. I have no doubt he has been told so, but I do not care how keen an intellect anyone has, I cannot see how he can reach that conclusion unless he makes a careful study of the effects of the proposed legislation. It is not treating the House fairly or properly to bring in such a Bill at this time, and I think my hon. friend ought to have said to the Minister of the Interior that it is quite impossible to bring forward a measure of such importance at a late period of the Session, four months after the House has been called together.

HON. MR. ABBOTT—My hon. friend is no doubt speaking from his point of view in censuring the Government, but I maintain there is not a shred of a foundation for the censure. I do not hesitate to say, as my hon. friend does, that it would have been a great deal better if these Bills had come down earlier in the Session. I admit that this Bill should have been down earlier; but that it is one of those Bills that possess such enormous importance, or requires such grave and serious study in order to find out what it means, I entirely deny. The subject of the school lands, to which my hon. friend directs his remarks, was disposed of four years ago—in the Session of 1886: as respects the school lands, the law is not altered to the extent of a scintilla of a word or a letter. That section was put in the Act by both Houses of Parliament in 1886, and has stood on the Statute-book ever since. That is the most important subject in the Bill, but it is in no respect changed: it is exactly what this House sanctioned in 1886.

HON. MR. SCOTT—Sanctioned, just as they will sanction this Bill.

HON. MR. ABBOTT—My hon. friend was in the Senate in 1886; I was not. The hon. gentleman may assert, to the discredit of this House, that it passed the Act without examining it. I know we have passed no Bill this Session without looking carefully into it ourselves; and I do not ask the House to pass any Bill, however short the time may be, without giving it a careful examination. I have stated what anyone can verify for himself in five minutes by looking at the Bill. I say that the law relating to the school lands, which my hon. friend finds fault with, is left in exactly the same position that it has been in for the last four years. It has stood on the Statute-book ever since, and has given rise to no complaint. I must assume that it is perfectly and thoroughly understood by every hon. gentleman in this House.

HON. MR. POWER—That is a very violent assumption.

HON. MR. ABBOTT—For the credit of this House, I make it, at all events. The remainder of the Bill, though it looks long, is in reality a reproduction of the existing law, under the system, which I never very much admired, of republishing the whole of a section which is amended. The changes are in every instance in favor of the settler. I state that, not from the information of any subordinate, but from the fact that I have verified it with the

law, and to the best of my understanding think it in every case improves the position of the settler. Between now and the time this Bill comes up to be discussed in Committee of the Whole House I hope that any hon. gentleman who has a doubt on the subject will verify it for himself, which he can easily do. The clauses are referred to and the law is in the Revised Statutes, and everyone can verify for himself whether the statement I have made, that the Bill is in the interest of the settler and a judicious Bill, is correct or not. If it is, I do not see why we should not pass it, after having looked at it and satisfied ourselves that it is in the interest of the country at large.

HON. MR. POWER—This is a Bill which, to be understood, requires a reference to two or three preceding statutes, and inasmuch at it was only introduced yesterday, it is pretty clear that hon. gentlemen have not had the opportunities they should have to inquire into the character of the Bill for themselves. From a very hasty glance at this Bill and at the Act of 1886 I am disposed to think that it does not make any change in the law, except the one which the hon. gentleman has mentioned respecting the Hudson Bay Company's lands. As to the Act of 1886, I have not the faintest recollection of its going through this House, though, as a rule, I pay very careful attention to Bills that pass here, and it strikes me now, as it struck the hon. gentleman from Assiniboia, that the legislation of 1886 was not in the right direction. Now that this same legislation comes up to be re-enacted in this form, I think we have a perfect right to object to its being re-enacted. There is another circumstance: since 1886 the state of things in the North-West has altered. Since then we have granted hundreds of millions of acres of land in that country to railway companies.

HON. MR. HOWLAN—Draw it mild.

HON. MR. POWER—I generally do.

HON. MR. ABBOTT — Hundreds of millions?

HON. MR. POWER—Yes.

HON. MR. OGILVIE—No; no.

HON. MR. POWER—The hon. gentleman may say "no, no," but he will find probably that I am correct. At any rate, it was alleged in the other House, in the discussion on the Bill granting subsidies to railways, that when the subsidies proposed to be granted this Session have been all given, the Government will not have for sale in the North-West Territories one hundred million acres of land, probably not fifty. The great bulk of the lands that are to be sold in the North-West will, at the close of this Session, be practically in the hands of railway corporations, and not in the hands of the Government. The Government will have almost no land for sale in the fertile portions of the North-West Territories, and the whole of the lands which are for sale will be locked up in the hands of corporations, and the public lands of the North-West, which, according to the right hon. Premier, in a very famous speech, made when the Canadian Pacific Railway Bill was going through Parliament, were to pay the whole cost of the Canadian Pacific Railway, the cost of surveying and laying out those lands, and the cost of administering that country, and all by the year 1891—those lands will have all been disposed of, and they have not yet recouped the country for the expense of surveying and laying them out.

These railway companies that are getting all the lands of the country are not doing the work that we were promised they would do. It was promised at that time that the railway companies would bring settlers in and fill up that country, and that there would be a vast population there before this time. The population is not there. The railway companies hold these lands and allow the country to spend money in that region with the idea that it would be better to wait until the Government lands are settled, and they will realize more from the money we spend than they can by bringing emigrants themselves to settle on their own lands. The public schools of the country are, I think, of vast importance, and the policy that was adopted of reserving the lands for schools in the township was a wise policy. And there has been no sufficient reason shown to this House or to the other House for departing from that policy. The first clause of this Bill does not even provide that where the school lands are given away to a railway company equivalent lands shall be provided in an adjoining

township. They shall be provided somewhere else it says, practically, and the whole North-West is left open to the Government to choose the substituted lands, and they may be chosen a thousand miles away. Looking at the facts of the case, that the great bulk of the sections which are for sale in the North-West are now in the hands of companies, or will be by the end of the Session, I think that this policy of saying that the lands which the companies hold shall be exempt from this provision with respect to school lands is a very unwise one. It is a question which ought to be discussed at considerable length, and there in no opportunity of discussing it now. I am glad to notice, since the discussion has commenced, that the hon. gentleman from Calgary has come in, and he will be probably more familiar with the features of the Bill than I am.

HON. MR. KAULBACH—My hon. friend has shown considerable grasp of the features of this Bill, and I am glad that he takes such a rosy view of the value of the wild lands of the North-West. I think it is in the interests of the railway companies that they should sell those lands and settle them as soon as possible, and I think those companies will be the best colonization agents we can have. I am not prepared at the present moment to discuss the features of this Bill, and it would be better to allow it to pass its second reading, the principle of it having been conceded, and allow the details of it to be discussed in the committee.

HON. MR. MILLER—I think this is one of the occasions on which a member might call the attention of the House to the manner in which legislation has been introduced in both branches of Parliament during the present Session. In a day or two we shall have been four months in session, and I think every hon. gentleman will bear me out when I say that the business that has been transacted by Parliament might well have been got through four weeks ago if the Government had been prepared with their measures when Parliament was called together. I have had occasion more than once to call the attention of the House to the subject, but I do not think a Session ever existed since the inauguration of Confederation in which the Government of the day deserves greater censure for their indifference to the convenience or wishes of Parliament than during the present Session. We were called here on the 16th of January, and during the first five or six weeks of the Session we had literally nothing to do and all along it appeared as if the desire of the Government was, week by week, to delay and keep back business for some ulterior purpose, whatever that might be. Legislation has been introduced in the very last week of the Session, which might just as well have been introduced the first week of the Session.

HON. MR. POWER—This Bill, for instance.

HON. MR. MILLER—Not only this Bill, but a dozen other Bills; still the Government have indifferently sat by and allowed time to go past, and delayed measures which might have been introduced weeks before. What is the consequence: the Government is enabled by this course to get Bills through this House without discussion—at any rate, discussion of a character which, if the House had time to discuss them, they would receive, and if passed, would pass them in a different shape from what they will be passed now. When they are detained to the last hours of the Session any idea of thorough discussion and consideration is entirely out of the question. This is something which the House should set its face against. This conduct should not be allowed, because it is pressing unfairly upon this House in the latter days of the Session, when we are called upon to pass important legislation which comes to us here without any criticism or any proper deliberation at all. There never was a session of Parliament when the Government was more open to and more deserving of censure in regard to their neglect of the convenience of both Houses of Parliament than the present Session. I think the hint that was thrown out by the hon. gentleman from British Columbia a short time ago might fairly be adopted in regard to many of these Bills, if it would bring the Government to their senses, and teach them that some different course is expected from them in Parliament than to dilly-dally with the Government business as it has been during the present Session.

A great deal was said about Mr. Mackenzie's Government when that Government was in power. Such a thing as a

three months Session was almost unknown. But here we are four months in session. If there was a necessity for keeping us I should not complain, but every gentleman who listens to me knows that there is no necessity for the length to which this Session has been prolonged. There has been a carelessness and indifference and neglect by the Government, a want of preparation of their measures, which instead of being introduced in the early weeks of the Session have been delayed to the very last day before prorogation. I think it is time for us to speak out, and to tell the Government that we are determined we will not be treated in this way in the future. We have it in our power to compel the Government to be more prompt in the discharge of their duty when Parliament meets—to teach them to be better prepared to present the business which is to come before this House and before Parliament. Unfortunately, we have a Government in power that has been so long in office that they have got to be careless and almost contemptuous of the feelings, not only of this House, but of the other branch of Parliament. We have here brought down the Banking Act. Why was not that Act presented to the other House earlier in the Session? Is it not a strange thing that at nearly the very last day, when we are making two sittings out of a day, that that important measure should only be brought to this House? What consideration can it get here? We are expected to swallow it like servile slaves, as well as the Customs Act. There is no reason why that measure should not have been under the consideration of the House a fortnight ago, and half a dozen other measures which have been latterly introduced and of which the same thing may be said. While we quietly submit to this thing the Government will continue to do it, because I believe there is not in another place sufficient independence to bring them to a sense of their duty. We can compel different treatment and we ought to do it. We owe it to the proper discharge of our public duties to take a stand with regard to this subject that will have the effect of remedying the evil of which I complain.

HON. MR. ABBOTT—I must confess that I am somewhat surprised at the address which my hon. friend has pronounced, and I really think that he surely does not realize the extent of the censure that he has pronounced upon the Government.

HON. MR. MILLER—I think I understand the English language.

HON. MR. ABBOTT—What, in point of fact, is the actual position of the matter with regard to this House? We have at this moment before us two Bills to dispose of, and we have two for to-morrow.

HON. MR. SCOTT—The important Bills of the Session.

HON. MR. ABBOTT—All the rest of the work of the Session has been done. We have had the Deputy-Governor down twice to sanction two batches of Bills, and the business——

HON. MR. MILLER—The hon. gentleman does not seem to take the point I make. The statements he is now making to the House have no bearing on my point. My charge is this: that the work we are at now should have been finished a month ago, and we should be at our homes.

HON. MR. ABBOTT—I was coming to that. In the first place, there was no foundation, not for the direct statement, but the implied assertion, that we had not been engaged in the work of the Session during the whole of this period. We have been engaged at the work of the Session during the whole of the period, and we have passed as much legislation this year as we have ever done.

HON. MR. POWER—Private Bills.

HON. MR. ABBOTT—And a great many public Bills, as well as private Bills, and we are here in the last days of the Session with only three or four Bills to be disposed of. My hon. friend says: "Why did not the Government send these Bills here before? Why did they not send the Customs Bill here before?" Surely my hon. friend knows that the Government had a large number of those Bills before the other House a long time ago. He knows very well that the other House has been sitting every day and every night; that it has never adjourned, except for a day off by the system we follow, but has sat night after night during these four months without any dallying that I have seen. When did they dally?

What could they do? If they brought some measure of theirs before the House they were met with a vote of want of confidence, which had to be debated. Can they shut the mouths of hon. gentlemen opposite in the other House at any time when any of those measures afford an opportunity for a motion of want of confidence? Can the Government restrain the debating in the other House? If they cannot restrain it, how could they force Bills forward? The other House chose to take up time in the discussion of other matters—matters no doubt of the last importance, which they had a right to discuss, but the Government can only send their Bills here when the other House passes them. If the Government had been spending their time doing nothing and had adjourned the House every day at 5 or 6 o'clock, and had not worked late into the night, and sometimes all night long—if they had in any way shirked their work I could understand my hon. friend's indignation, but who can say that the Government has in any way at all shirked or evaded its work? Who can say that?

HON. MR. MILLER—Every one?

HON. MR. ABBOTT—Who can say that the Government could pass one of these Bills an hour sooner than they did?

HON. MR. MILLER—I say it.

HON. MR. ABBOTT—They have had on the Order Paper two pages of Orders during nearly the whole of this Session which they were unable to put through in consequence of the discussions got up on other questions, with which no fault is found. The Government find no fault with the gentlemen who sit in opposition for raising questions of the kind which produce long debates; on the other hand, it is impossible for the Government to pass measures while the Opposition are debating questions of policy. How can they do it? By what process can they do it? And now that we are here to-day we have no work in arrear—not nearly as much work in arrear as we had at this period of the Session last year, or in any year that I have had the honor of sitting in this House. I think we have made more progress, and more satisfactory progress, this Session than we have ever done in the House before, and so far as I can see there has been less loss of time, for which the Government is responsible, in the other House than there has been in any Session that I remember.

HON. MR. POWER—We were sitting two months before the Budget speech was made.

HON. MR. ABBOTT—Very possibly. The Budget speech is not usually made at the commencement of the Session, and up to the time the Budget was brought down there was plenty of business before the House. The House did not adjourn. The House sat every night, and all night, as long as any House could be expected to sit.

HON. MR. SCOTT—The House of Commons did not sit in the evening for over three or four weeks after Parliament met.

HON. MR. ABBOTT—Not so long as that—a week or ten days—just as is usual in the commencement of the Session every year. So that I think, after all, the Government in the other House were pressing their measures as strongly as they could, where they were met night after night and week after week by motions which were equivalent to want of confidence, and they had to be met. While their time was occupied by important inquiries, in which I can hardly say whether the Government or the Opposition were more concerned, how could they, while they were so engaged in that kind of business, pass Bills and send them to us any sooner than they did? While they had a couple of pages of Bills on the Order Paper, and could not get an opportunity of moving one of them forward, how were they to be blamed? They cannot send them to us, unless the House of Commons allows them to pass. We were not obliged to sit yesterday. We cleared our Order Paper yesterday. We have only three or four Bills for the rest of this Session, and the time occupied this evening in finding fault with the Government—at all events, in censuring the Government—would have sufficed to study carefully every word of the Bill about which we have had this discussion this evening. I only mention this as an illustration that we are not in any respect pressed with our business now. We have plenty of time to do all that we have to do. The Banking Act is an important measure, but it is almost wholly a reproduction of Acts passed

during two consecutive decennial periods, with comparatively trifling alterations, which have been discussed in the other House and in all the papers and with which every gentleman is perfectly familiar.

HON. MR. MILLER—Why was it not here long ago?

HON. MR. ABBOTT—Because the other House did not pass it.

HON. MR. MILLER—Because the Government did not press it.

HON. MR. ABBOTT—They pressed some Bill every time they had an opportunity of pressing it.

HON. MR. MILLER—They did not press anything at all this Session.

HON. MR. ABBOTT—My hon. friend really makes an assertion which I cannot see how he can justify. In what was the other House engaged when they sat until 12 and 1 o'clock every night? Surely it was on some kind of business that was before them. They could not do two things at once, and if they sat until 12 o'clock at night, what more can we ask of them? The Government could not refuse to debate votes of want of confidence. They could not refuse permission to the Opposition to debate them, and as long as they were occupied in this way, how could they pass Bills? I can regret, with my hon. friend and other hon. gentlemen, that we did not get the Bills earlier in the Session, but I confess I cannot see how the Government have shown any want of respect for this House. Perhaps they did not push the Banking Bill through as fast as they could. There are enormous interests at stake all over the Dominion, and perhaps they did not press it as fast as other Bills that did not attract so much attention. In doing so, were they right or wrong? I say they were right, when there was such an important measure, such an important banking Bill before Parliament, to give the public every opportunity to become acquainted with its clauses.

HON. MR. POWER—Will the hon. gentleman explain why it was this Bill, which contains nothing of a novel character—I refer to the Dominion Lands Bill—could only be introduced yesterday?

HON. MR. ABBOTT—I stated when I began to speak that I thought this Bill had been too long delayed in its introduction. I find since the hon. gentleman from Richmond began to speak that there was a long telegram from Sir Charles Tupper on this Bill received only a day or two ago, and I presume, when I make enquiry why this Bill did not come in sooner, it will be found that it was because of this telegram received at so late a period in the Session that the Bill was delayed. I do not think that the fact that I introduce this Bill to-day, which is a comparatively trifling Bill, justifies the diatribe of my hon. friend from Richmond against the Government. I submit that it does not prove that the Government has treated this House with contempt, or that it has neglected its duties or treated this House with insult. I think the hon. gentleman went too far in making such statements with regard to the conduct of the Government; and I do not see, that as far as the introduction of Bills is concerned, the Government are to be gravely censured. In the time of Mr. Mackenzie we are told the Sessions only lasted seventy or eighty days. What does that prove? The length of the Session depends largely on the Opposition, almost entirely on the Opposition, because the delay is entirely caused by the numerous motions and numerous debates on them started by the Opposition. That is proof plain, and the inference which I draw from my hon. friend's statement that in the time of the Mackenzie Government the Sessions only lasted seventy or eighty days, is that the Conservative Opposition was more moderate in its attacks upon the Government. If instead of thirty or forty votes of want of confidence there had been only two or three or four brought forward by the Opposition we should have been through long ago, and been home.

HON. MR. MILLER—I may simply remark that it would be a very bad case indeed that my hon. friend opposite could not put a good face on. If there is a man in the House able to do it, it is the hon. gentleman; but I am, in the judgment of the House, and in the judgment of the other House, when I made the assertions that I did; and I say it is well known to every member of this House that the business of Parliament has not been pushed

in the House of Commons this Session by the Government as it should have been. I have not met the first member of Parliament of either branch who has not deliberately given it to me as his opinion, when talking on the subject, that the way in which the Government business has been delayed during the present Session has been altogether very unsatisfactory to Parliament.

HON. MR. ABBOTT—I am afraid that my hon. friend has been associating too much with the Opposition.

HON. MR. MILLER—The hon. gentleman says we are well up with our business. Supposing it was at the end of six months we were, would it be any credit to the Government to say that we were well up with our business?

HON. MR. ABBOTT—It cannot be said we are behind with our business.

HON. MR. MILLER—We are four months in session, and we are told that because we have been able to keep our Order Paper clear, is not that a compliment to us? But does it contradict the assertions which I have made in regard to the manner in which the business has been handled by the Government in the other House. Three or four weeks of the Session elapsed before there were any night sittings at all. The House met, and I think for three or four weeks it was a race between the Upper and the Lower Chamber to see which would adjourn first. These things cannot be forgotten as easily as my hon. friend would desire to have them forgotten. We know the effect which the delay of the Budget speech has in retarding the general business of Parliament. During the last two weeks there have been a dozen of public Bills introduced. Why did not the Government take last Saturday? They took every private day from the private members of the House, but did not take last Saturday, evidently because they were not at all concerned to expedite the business of the House as they could do. Within the last month, I repeat, we have had nearly a dozen Bills introduced by the Government which might and should have been introduced in the first weeks of the Session. There was a question mentioned in the Speech from the Throne in addition to those I have already alluded to—the question of labor statistics. Why was not that Bill prepared and introduced earlier in the Session? It is introduced in the last weeks of the Session; I do not know whether it has received its second reading yet in the other House, and in all probability it will not be here before Friday next. We have spent a great deal of time in this House on the North-West Bill. That Bill should have come up to us long before it did. What was there to prevent that Bill coming to us in the first month of the Session? Now, in all probability, it will be dropped in the other House. There are many reasons why it was very desirable that the Bill should have got through this Session. I do not know whether the Government intend to press it this Session; I do not think they will, from the fact that the prorogation is expected to take place on Friday. We are told that prorogation will take place on Friday, as if we had nothing to say whatever in the matter.

HON. MR. ABBOTT—I do not remember when we were told that. When were we told that?

HON. MR. MILLER—It is generally said in another place.

HON MR. ABBOTT—But we are not told so.

HON. MR. MILLER—Now the statements which I have made, and which the hon. gentleman has contradicted, are statements the correctness of which every member of this House is as competent to judge of as the hon. member himself, and I am perfectly satisfied to leave it to the Senate and the other House to say how far my statements are borne out by facts, and how far they are in accordance with the general conviction and judgment of both branches of Parliament.

HON. MR. DEVER—I do not feel disposed to censure any particular party—either of the Government or of the House of Commons—but certainly there is something wrong somewhere. It has gone so far that we are expected to wind up the business of the country more rapidly than we anticipate. For my own part, I feel demoralised—so much so, that I do not mind if I have to stop another week or a fortnight, so as to give general satisfaction to several gentlemen around me,

to enable us to investigate thoroughly the legislation of the country. If I had my will, I would convince this House that I would not submit to the dictation of the House of Commons—I will not say the Government. In my opinion the House of Commons treats us very cavalierly whenever an opportunity offers. The members, I will not say on which side, whether on the Government or on the Opposition side, take great pride in traducing the Senate of Canada. They seem to think they are justified in making any and every remark that may give them satisfaction at any time, with reference to our standing and position. Somebody has kept back the legislation longer than it should have been delayed. I will not go so far as the hon. member from Richmond. I honestly believe that the Opposition were largely to blame. There is no honest man in this House but must admit that the long and vexatious speeches of members of the Opposition have caused delay. At the same time, I am not going to censure them. No doubt they are working hard for themselves, and I hope some day or other they will succeed; but at present it is not likely they will. At all events, I feel very good natured about this matter, and I am quite willing to stay another week and satisfy everybody.

HON. MR. MILLER—I do not think there ever was a Session in which the Opposition exhibited less factiousness in the discussions in the other House than this Session.

HON. MR. DEVER—Because they are worn out.

HON. MR. READ—I came in when the hon. member from Richmond was speaking, and I thought I would look back to see what the system has been in the past. The first Session that I had a seat in this House was when there were forty-eight members, and what took place then? The Government had been defeated on the Militia Bill, and a new Government came into power, and a new election law was brought down. That came to this House and received the third reading and the Royal Assent in one day. I said to myself, "That is rather expeditious." That system has been continued from that time to this. Measures have been brought down late in the Session. I suppose it is the system, because at that time the hon. gentleman who leads the other House was not leader; it was during the time of the Sanfield Macdonald Government.

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

STEAMBOAT INSPECTION ACT AMENDMENT BILL.

COMMONS AMENDMENTS AGREED TO.

HON. MR. ABBOTT moved the adoption of the amendments made by the House of Commons to Bill (O) "An Act to amend 'The Steamboat Inspection Act,' Cap. 78 of the Revised Statutes." He said: The amendments to this Bill consist of two: the first refers to the name which is given to the steamboat, ship or vessel, in respect to which an engineer shall be working—that is to say, it is called in the Bill as we passed it, a Canadian steam-boat, ship or vessel, and the House of Commons has amended it by inserting the words "registered in Great Britain or Canada," instead of "Canadian." That gives a little more latitude to the place where the applicant may be domiciled.

HON. MR. POWER—I am very glad to see that the House of Commons have agreed with your humble servant.

HON. MR. ABBOTT—I think my hon. friend desired to have no qualification of this kind at all. The House of Commons has not adopted that principle; it has enlarged the principle to apply to British ships, but it has not done away with the principle altogether, as my hon. friend wished to do. The idea of the Department was that when the report of the inspectors certifying the fitness of an applicant was made, it should be made to the chairman of the Board, who, if he approves of it, shall transmit it to the Minister, who may thereupon grant a certificate specifying the grade for which he was held qualified. That was a change which the Department thought an improvement, and which we were willing to sanction, but the House of Commons has restored the law as it stood in the Revised Statutes, cap. 78—in other words, the section which we repealed has

been restored, and appears now as it is in the Revised Statutes of 1886.

The motion was agreed to.

BILL INTRODUCED.

Bill (150) "An Act respecting a certain Agreement therein mentioned with the Calgary and Edmonton Railway Company." (Mr. Abbott.)

The Senate adjourned at 10:45 p.m.

THE SENATE.

Ottawa, Wednesday, May 14th, 1890.

THE SPEAKER took the Chair at 11 a.m.

Prayers and routine proceedings.

THE BANKING ACT.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (127) "An Act respecting Banks and Banking." He said: I presume the House is aware that this is merely a reproduction of the former charters which we passed ten years ago, and an extension of them for ten years more, with certain additions on five or six points, which, of course, will come up as to their details in Committee of the Whole House. The main changes which are made in that respect are with reference to unclaimed balances of dividends and of accounts standing in the banks in respect of which provisions are made to give publicity to the existence of those balances in order that people interested, who may be ignorant of them, may know of them and learn what is due to them. That is really the most important change in the whole Bill. There are some slight changes as to the mode of effecting loans upon manufacturers' goods, which exist to a large extent in the present Act, but which is somewhat extended and modified under this Bill.

HON. MR. SCOTT—I do not propose to go into any long discussion of this important Bill, but I certainly should have liked my hon. friend to give this House some fuller outline of the changes made in the Banking Act. It is not to be supposed that the House of Commons has devoted a considerable time—at least three or four weeks—in discussing the Banking Act, and hearing the views of bankers and of other parties on this important question, without some considerable changes having been evolved from the former Act. Certainly, there is no man in Canada who is more conversant with the system of Canadian banking than the leader of the House, and I trust that when the Bill comes into committee he will really point out to the Senate where the changes have been made. If I followed the reports of the other House correctly, very important changes are made. I think they are a decided improvement on the Banking Act, as it orginally existed. There are, I believe, one or two changes which might be made in this Chamber which could be considered in committee. Certainly it is a very important change that our bills are to be at par all over this country. It is a very important change, that in the event of the failure of a bank, the other banks come to the rescue, and the bills do not fall below par, as has been the case, to the great misfortune of Canadian banking. I do not know anything that has done more to injure our banking system than the failures of the last few years. Those who are well informed of the financial condition of our institutions which failed understood that the bills would come up to par, and so the great mass of the people were taken advantage of, and the bills were sold at from 50 to 75 cents on the dollar, when really they were worth 100 cents. That condition of things ought not to be allowed to continue, because its tendency is to affect the standing of our financial system. I am glad that this important change has been made; it is, to my mind, an exceedingly valuable element in the alterations made to the Banking Act. There are several other changes of importance, and I trust when the Bill is referred to a Committee of the Whole House that

my hon. friend, with his thorough knowledge of the whole subject, will point out to this House where the actual changes are. With these observations, I will defer any further remarks until the next stage of the Bill.

HON. MR. KAULBACH — Has any change been made with regard to speculating and gambling in bank stocks?

HON. MR. ABBOTT—Yes; there is a provision tending to obstruct speculation in bank stock. Of course, my hon. friend from Ottawa knows that when Bills of this description are in committee I always try to be prepared with such explanations as the House may require. This is a Bill on which one might make a long speech on general principles, without conveying to the House so well the actual changes which are being made as can be done when the Bill itself comes before the committee and the several clauses are considered. It was not, therefore, with the idea of neglecting to give the House information that I did not speak at greater length in moving the second reading. It was because, as practical men, I thought we could better discuss it and I could better explain anything I had to explain when the clause itself was before the committee than speaking in an abstract way on the Bill.

The motion was agreed to, and the Bill was read the second time, and referred to a Committee of the Whole House.

(In the Committee.)

On the 13th clause,—

HON. MR. DRUMMOND—The responsibilities and duties of directors, I think, should apply to provisional directors. I perfectly recognize that the business of a bank cannot be carried on except by the directors ultimately appointed, but the provisional directors necessarily have a good deal to do with the organization of the bank. Now, what is in the power of the provisional directors during the preliminary period, before the bank is organized, is not very clearly defined.

HON. MR. SCOTT—They cannot handle any money, that is clear, except after organization.

HON. MR. ABBOTT—My hon. friend will see that this institution of provisional directors is very familiar indeed in our legislation, because a provisional director is an official that is used in every description of company, preliminary to the organization, and in almost every case his powers are very clearly and precisely defined. In this particular case, with reference to banks, every duty which a provisional director may perform is defined, and he has no power to deal with the funds of the bank, or to incur any responsibility or liability, or to lend any of its money. He cannot do anything but what the law authorizes him to do.

The clause was adopted.

On section 45,—

HON. MR. ABBOTT—I may say that the Government are quite prepared to hear any objections that may be made to the lines in this clause that were objected to in the other House, as undoubtedly they are open to objection.

HON. MR. DRUMMOND—I wish to direct the attention of the House to the words to which the hon. leader has referred. The theory that the shareholders of a bank are entitled to an absolute disclosure of all the facts connected with the condition of the bank is recognized practically in the tenor of this Bill, more especially in the first part of clause 45. But with reference to the particular words, which, I may say, were inserted by a member of the Lower House of considerable distinction, I have read with care the report of the remarks with which he introduced this clause, and while cordially agreeing, as I have no doubt that the honorable House will agree, with the reasons which he adduced for the insertion of those words, I will endeavor to show that the very reasons which he adduced for their insertion are good and valid reasons for their elimination.

HON. MR. SCOTT—Read the particular words.

HON. MR. DRUMMOND—The particular words are in line number 3 of section 45. After the word "circulation" these words are inserted: "The amount written

off and the amount passed to suspense account in respect of bad and doubtful debts." Anyone who looks at the remarks made by the Hon. Mr. Blake in proposing this amendment will see that the gist of the objection is contained in the following words:—

"You will observe that the last paragraph of this clause says that the statement shall exhibit: 'the amount of debts due to the bank, overdue and not paid, with an estimate of the loss which will probably accrue thereon.' It is, therefore, proposed to be recognised by the Legislature that the important element in considering the condition of a bank to be announced to its shareholders is a statement of the overdue debts and an estimate of the loss, probably, accruing on them. We know very well, by sad experience, that the provision by itself is frequently illusory, because arrangements are made, anterior to the general meeting, by which debts cease, for that occasion only, to be overdue debts, and the amount of overdue debts stated does not always represent the actual amount. I do not impute this as the normal condition, because we do not know. But what we do know is, that when a bank does break up, and the secrets of the prison are revealed, it is quite clear that a large number of accounts which did not appear in the last annual statements as overdue debts, and which, according to all sound principles of banking should have been treated as overdue debts for a long time, were, through the manner in which the business was carried on, prevented from so appearing.

"That we cannot remedy, but what we can do is this: we can speak of the past, and insist on simply confining ourselves, in the information that we call for the shareholders to receive, to what the net profits made were. We can require a statement which will practically give the gross, by stating the amount which out of the gross had been written off, or passed to 'suspense account,' in respect to bad or doubtful debts during the operations of the current year. I believe the losses to the public and to shareholders in our banks are due almost exclusively to the fact that the knife was not put into the rotten accounts at the time it ought to have been put in. There is, in private as well as in corporate life, a sort of reluctance on the part of people to acknowledge that a debt is bad or doubtful. It is a sign of such extraordinary and exceptionally good fortune as to be almost in itself suspicious, when a large public institution, engaged in lending millions of money to the public, and under the conditions under which such loans are made, pretends to carry on its operations for twelve months without having incurred losses; and what I think we ought to know is, what amount the directors of a bank have either written off or put to suspense account of bad or doubtful debts in the course of the year for which they give an account to their shareholders. I propose that you add to the section, after the word 'circulation' in the eighteenth line, the words 'the amount written off, and the amount placed on the suspense account, of all bad and doubtful debts.'"

I acknowledge, having had a little experience in banking, that it is the primary duty of the managers and directors of a bank to eliminate not only all rotten accounts, but all accounts which in their estimate of the future are doubtful; and it is a duty which they owe to their shareholders and to the public to err, if they err at all, on the side of excessive care and precaution with reference to the writing off of bad and doubtful debts. Not only that, but there is a duty which devolves upon bank directors, and very frequently a duty about which there could be a great deal of debate, but which must be always treated in a broad spirit, and that is to provide for the possibility of bad and doubtful debts in the future, by writing off in advance a liberal percentage, which percentage ought not to be known to the public; otherwise, the very effect which is to be guarded against will be introduced. Here again you touch the whole question of commercial credit. The question of credit is sometimes inveighed against as an evil to be dealt with, and if possible at the earliest possible date done away with altogether. That is an entire delusion. Of course if there were no credits there would be no banking. By the very system of credit, which is at the foundation of everything, to wit: agriculture, mother earth must be given credit for the labor and capital of the farmer, and from that springs the whole system of commercial credits. The farmer has to give the land credit for the labor and seed which he puts on it for twelve months, and he reaps his reward in one month. The storekeeper has to give the farmer credit to a large extent to enable him to do that. The wholesale merchant must give credit to the country dealer to enable him to give credit to the farmer, and the banks give credit to the wholesale dealer. I suppose that the practical operation of this clause is to compel disclosure by bank directors to their shareholders, which means publication to the whole world, of the amount which they thought fit to write off from their profits, for the time being, for their losses realized or anticipated. Remember, the actual condition of the bank, as with other commercial enterprises, is largely a question of estimate. A man in business estimates his position at the end of the year. He is bound to take into consideration the debts which are owing him, and the prospective value of the assets which he commands. A bank is in this condition, that if it sits down calmly to estimate the probabilities of its being paid by any person in particular it will say in such a case: "I hope that so-and-so will ultimately pay, but I know

that he is very much expanded, and that there is a certain doubt of it." In the exercise of common prudence he writes off a certain amount of business, not necessarily to be disclosed to the shareholders or to the public at large, but simply as a measure of precaution, and in that sense solely. I think it would not be flattering to the common sense of this House if I went into this question to illustrate it to any great extent, but I will go to this extent: Supposing the bank had made a million dollars gross profits in the course of a year, and it had in its estimate provided for debts actually incurred, and known to all the world; that in addition to that it had written off a considable sum, say one hundred thousand dollars, in respect of one or two accounts, of which the outcome would be, perhaps, a little doubtful. The shareholders are keen to note, and do note, with the greatest avidity, how the affairs of the bank are being conducted. They note that so-and-so failed—that such-and-such a house failed. There is a loss in respect of that of $10,000. It is perfectly well known when a man fails and does not pay his debts there is an end of it; there is no longer any necessity for concealment. The necessity for prudent reticence in the management of a bank is due to the fact that its credit may be injured if it permits the loss sustained by the insolvency of a commercial house to get abroad. It is perfectly well known that again and again we have seen the stock of an institution like the Bank of Montreal attempted to be depressed by rumors of the difficulties of a large commercial house. Again and again I have heard that a large dry goods firm are in difficulties, and there is no chance of a bonus this year, or some other rumor dealing with the most delicate question—the honor, the credit, the commercial standing of a commercial house. As I said before, you can add up the number of failures which have become public, but what becomes of this deficit? There is $100,000 not accounted for. Who can that be? It cannot be so-and-so; it may be so-and-so, or so-and-so, and in an instant, without any rhyme or reason, you have the commercial credit of several houses under suspicion. And, remember, it cannot be said by many commercial houses in this country that they are independent of the honest standing in which they are held by the commercial community at large. And how can it be so? The least suspicion brings about a bad condition of things. A house may be perfectly solvent and absolutely good for 100 cents on the dollar, or more, but if you come down on them and destroy their credit, you bring upon them a condition of things that will produce ruin and insolvency. In that sense I think that the ill effect of this clause as it stands is that it will call for such a disclosure as will be imprudent and improper, and I think these words should be eliminated from it.

The duty of the bank directors is to err, if they err at all, in writing off too much. Remember that the writing off is not a realization of the loss; it is simply a prudent preparation for a storm which may come, and which we hope may not come. I hailed with satisfaction the clause which we have just passed, limiting the amount of stock jobbing and dealing in shares, and the vascillation and oscillation in values of bank stocks throughout the country. That ought, of all things, to give bank stocks all the reality and permanence which the law can give them; and in that view it is the duty of the bank directors, if they have a good year, to go more thoroughly into all doubtful accounts, and put the knife more fully into all doubtful debts. Realizing as I do that the intention of the proposer of these words was right and proper, and I most cordially agree with him in the writing off of bad and doubtful debts, it is a duty which this House ought to assist and stimulate to the utmost of its power. I say that the retention of these words in the clause will entirely defeat that object—will tend entirely and in every sense to produce the exactly opposite result; that the Board of Directors and Bank Manager will be afraid to write off as fully as they ought to have done, because the very first effect of an honest writing off of a round sum from their gross profits will be to put the directors and all interested in the management of the bank on their defence to explain and justify what they have have done, which certainly ought not to be the case. Under the circumstances, I do not think I shall take up the time of this honorable House further, but I urge hon. gentlemen very strongly to eliminate these words as being likely to produce a condition of things which I

deprecate, and which was not the intention of the hon. gentleman at whose instigation these words were inserted. His intention was the same as mine, and it only required that the effect of his words should be better understood. These words have received the unanimous condemnation of all the bank managers in the country. Cases are known by every member here, of banks which in one month produced statements that, after providing for all bad and doubtful debts, the assets were so-and-so, and the surplus was so much. There was a very well known case in one of the largest cities of Canada, in which, within the short space of three months, a statement was presented that a bank was not only solvent, but had a large surplus. But by the simple process of writing off bad and doubtful debts, a process which was justified by the facts of the case, the bank had to reduce its capital 20 per cent. Can anyone doubt that the defect in the management of the bank was that it had not written off bad and doubtful debts sufficiently? Now, with every desire to stimulate that process to the utmost, and with a strong desire to see bank shares as an investment made a permanency, for on them depend the incomes of trusts, of widows, of orphans, of children, I think we ought to eliminate those words as not only utterly uncalled for, but as likely to produce the very evils we complain of.

HON. MR. SCOTT—I would like to ask, purely as a matter of information, whether statements are not often published containing specific figures that have been written off, without any further information?

HON. MR. DRUMMOND—That is the case. One or two large banks have gone the length of taking their shareholders into their confidence, and showed the loss and profit.

HON. MR. CLEMOW—Privately?

HON. MR. DRUMMOND—No; publicly. Two or three banks got into the habit of making exact disclosures, but they very speedily dropped it. The great objection to it, in a practical sense, prevented its being continued. I move that the clause be amended by eliminating all the words from the word "circulation," in the second line, to the word "the," in the fifth line. The debate in the House of Commons, which I have carefully read, and which led up to these words being inserted was brought on without any preliminary notice, and in fact the amendment was a surprise to the House. The words were discussed by a large number of the members of the House of Commons, some of whom were connected with banking, and it is no discredit to their perpiscuity, it being sprung upon them in a way that they did not particularly object to; but they have seen the error of their way since, and are now of one mind on that question.

HON. MR. ABBOTT—The Government feel the strength and weight of the arguments which have been used against this clause, more especially in two particulars. They seem to place every bank upon the horns of a dilemma: either the bank must fail to write off the amount which it ought to do as a provision for bad and doubtful debts, or possibly it may be compelled to make public such an amount as being written off as would affect its credit. It is not so much the mere traffic in its shares being affected by it, but the falling off of bank shares in the market has an indirect operation on the credit of the bank itself, and it might operate more directly still on the credit of the bank by inducing the withdrawal of its deposits, so that a bank desirous to do, in a disastrous year, what it ought to do, in order to put its accounts in a proper shape, may be deterred from doing it by the natural fear of raising in the minds of people who do not understand banking business, doubts which are utterly unfounded, but which may be attended with most disastrous results to the institution. It is the desire of the Government, of course, that the banks should have every facility for keeping their accounts in a proper and substantial way, so that in making up the statement of their assets they will not show more than they can actually realize if occasion requires, and that may be, to a certain extent, interfered with by this clause. The Government are desirous that no bank should be unnecessarily interfered with in its credit, which might happen if this provision were carried out to the full extent. In view of this dilemma, and in view of the strong representations which have been made, I

do not feel justified in offering any opposition to my hon. friend's amendment.

HON. MR. KAULBACH—The hon. gentleman from Kennebec has shown in a very forcible manner the bad effect which the keeping of these words in the clause would have in the way of banks being tempted to over estimate or underestimate their losses in order to sustain their position. I think the public should be quite satisfied in finding out the character of the assets and total liabilities, and the money and securities they have on hand. When these facts are presented to the public, the public have all that is necessary in order to understand the position of the bank, and I think these objectionable words would be rather a temptation for the management of the bank, in certain positions, to give an incorrect estimate of the losses which the public ought to know.

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

On section 47,—

HON. MR. ABBOTT—This is an alteration to permit the bank to declare quarterly dividends.

HON. MR. POWER—I think that is an objectionable alteration in the law. It strikes me that it is quite impossible for any board of directors to be in a position to judge at the end of the quarter whether the half year's business is going to be profitable or not. They may declare a dividend on the business of this quarter, and there may be a loss on the business of next quarter.

HON. MR. OGILVIE—The same argument would apply to half yearly dividends.

HON. MR. DRUMMOND—The quarterly dividend will never be carried out. It is optional.

HON. MR. POWER—If it is a sort of thing that a prudent board of directors would never do, why should we allow the imprudent ones to do it? If all the banks of the country were managed like the Bank of Montreal it might be a wise and proper thing, but it seems to me that this is opening the door to imprudent action by boards of directors who are not as wise as those of the bank I refer to. I think we ought to strike out the words "quarterly or."

HON. MR. OGILVIE—I can tell the hon. gentleman that whether it was the law or not, it was done in Canada years ago. It is done in the United States quite commonly and in London, England, and I cannot possibly see any objection to allowing them to do it, if they think fit.

The clause was adopted.

On the 5th clause,—

HON. MR. ABBOTT said: This contains an important alteration. Hon. gentlemen know that there is a double liability by the shareholders, in the case of ordinary banks, for the amount of their indebtedness, which serves as an additional security, especially to holders of the circulation, for the payment of amounts due. In two banks of this country, the Banque du Peuple and Bank of British North America, there is no such double liability. The former is one of the oldest banks in Canada. It is a bank of the highest respectability, but it is carried on on a different principle from any other bank. It was originated as a firm of bankers who were responsible for all they were worth, and in addition to this, a number of limited partners, who now represent the shareholders. I do not think at the time of the Banque du Peuple was established there was any bank in existence in Canada, except possibly the Bank of Montreal, but at all events this bank was formed under the law which prevailed then. The bank has been carried on successfully and has an excellent reputation—in fact, I may say it is the leading French bank in the Province of Quebec. Under the law all other banks may issue notes to the full amount of their unimpaired paid up capital. These banks, of course, have another amount equal to their unimpaired paid up capital, for which their shareholders are directly responsible to the holders of notes, and therefore every claimant on the bank has double security, as it were: first, all the assets of the bank, which represent its paid up capital, and second, a further liability to the amount of its paid up capital extending over all the shareholders of the bank. That is not applicable to the Banque

du Peuple or the bank of British North America, and it was not thought just or right that those banks should have the same power of issue as other banks possess, inasmuch as they give so much less security for their circulation. After a great deal of discussion with the gentlemen representing those banks, it was arranged in this way: that these two banks would be allowed to issue 75 per cent. of their paid up capital in notes, so at all events there would be a considerable security over and above the actual amount of circulation. I believe the alteration will not prove a cause of any great inconvenience to those banks, inasmuch as they have not usually issued a larger amount of circulation than is represented by 75 per cent. of their capital; but anyhow the principle of increasing the security given by those banks, or rather diminishing the probable liability of those banks, was considered a good one, and that is the result the Government reached—that is to say, instead of those banks being allowed to issue notes to the full amount of their paid up stock, they are allowed to issue notes equal to 75 per cent. of their paid up stock, and if they wish to issue the other 25 per cent. they can do so by putting into the hands of the Government security equal to the amount.

HON. MR. DRUMMOND—With reference to sub-section 3, might it not be wise to be certain that a bank in exceeding its powers and incurring those heavy penalties should not be caught inadvertently or unwittingly tripping? A bank with very large and extended agencies—it does not apply to any bank I am connected with—might inadvertently find itself in a position of having at some one particular moment exceeded its right with regard to that, and thus incur heavy penalties. The Treasury Board under the new Act can control the acts of informers and can protect the bank if satisfied of its innocence; but would it not be well to put in the words "wilfully and knowingly," or something of that kind?

HON. MR. ABBOTT—My hon. friend will perceive that if there is one thing in the whole Banking Act which requires to be guarded with peculiar care it is the possibility of over-issue, more especially now, as we have, as it were, mulcted all the other banks for contributions towards the loss of any individual bank. There will be facilities now for floating large amounts of circulation, especially by the smaller banks, that they never before possessed, because practically the issue of every bank in the Dominion, be it large or small, is guaranteed by the whole of the remainder of the banks. My hon. friend only makes his suggestion on the ground that by inadvertence the bank may have made an over-issue. As regards the public, the making of an over-issue, whether by inadvertence or not, is an equally great offence against the public interest. This power of issue is one which it is practically impossible for the Government to guard. It seems to be possible for a bank to issue almost any amount of notes if it can get them into circulation, beyond the amount for which by the law they are limited, and it has appeared to the Government that it was absolutely necessary to make the most stringent provisions they possibly could to guard not only against wilful over-issue of notes beyond their powers, but any kind of over-issue of notes, which is equally wrong as respects the public. I do not think my hon. friend will find that any one will suffer injustice by this provision, and it is very important that it should be made very stringent.

The clause was adopted.

On the 53rd clause,—

HON. MR. SCOTT said: That particular clause has been very much discussed, as to whether it is fair and equitable that the Government of a Province or the Government of the Dominion should have a preference over those who do business with the banks. I think it is open to very grave consideration whether it is right or not. I find a difficulty in coming to a conclusion whether there should be a preference in favor of the Government. We know of one or two instances where the Government deposit has absorbed the whole of the assets of the bank. The very fact of a large amount of Government money being deposited in a bank has stimulated its credit and led the mass of the people to consider that it was in good standing. When the crash came the Government simply put its hands on all the money in the bank.

HON. MR. DEVER—It is equal to a previous mortgage.

HON. MR. SCOTT—That is the effect of it. I cannot understand on what principle of equity, right or justice the Crown, as a creditor, ought to be preferred to the subject. I do not think, on the broad principle of *meum* and *tuum*, there should be any such distinction. I think it is open to very grave and serious doubt. I am not prepared, myself, to propose a change, but it does not seem to my mind quite fair. It does not work out in all cases quite equitably, because the creditor that could best afford to lose is the one that is protected. The poor man, whose all is in the bank, who has been induced to put his money there because there is a large sum of Government money deposited in the bank, is left without a cent and the Crown takes all. It is a kind of heirloom that we have inherited, but we are coming to that particular period in the century when those doctrines are not quite so broadly recognized as they were. The Crown is protected by much keener officers than the public is, and therefore I think they ought to stand practically on the same level.

HON. MR. KAULBACH—The money belongs to the people.

HON. MR. WARK—I think it is exceedingly objectionable, and I propose to move an amendment. It is an act of great injustice to the other depositors—in fact, it looks to me like repealing the Bill of Rights, which provides that the Crown shall not take the property of the individual, except under the laws of the country. I should like to know on what ground this privilege should be conferred upon the Crown above other depositors? The deposits of individuals are not left in the bank with the intention that they shall be used for banking purposes. A shipper of goods sends a bill of exchange; he endeavors to use the proceeds for the purchase of other goods for a coming shipment. He deposits his money in the bank, simply for convenience; he may call for it in a day or two. It is not the property of the bank; it is his, and he has only left it there for safe-keeping. It is the same with the wholesale merchant. He buys from the manufacturer and sells his goods to retailers, as has been explained by my hon. friend from Montreal. His liability to the manufacturer is falling due, and he takes some of the securities he has obtained for the goods he has sold and gets them discounted. The money is deposited there for safe-keeping. Suppose that an individual invests his all in bonds and leaves them in a bank, giving the bank authority to collect the interest. All these sums, what the merchant has lying there as the proceeds of his bill of exchange, what the other merchant has lying at the bank as the proceeds of the notes he has discounted, what the bondholder has in the way of interest lying in the bank, these are all placed in jeopardy by this legislation. If misfortune overtakes that bank before the parties call for their money a receiver is put in charge, and he seizes all this money for the Government. If there is not enough to pay all the claims the Government take everything. This is so unjust that I cannot see how it can be defended. I feel warmly on this subject, from an incident that came under my notice. A very worthy business man in Fredericton died, leaving his widow a competency. She lodged the money in the Maritime Bank, and a very short time afterwards one of the very heaviest customers of the bank broke down and the bank failed. The Government has taken every cent of that poor woman's money: the most she can expect is 5 or 6 cents on the dollar. Most of us know the position in which a widow is placed. If she has any feeling of consolation in her bereavement it is that her husband has provided for her. But suppose she deposits her means of support in a bank, and the bank fails, what is her position? She may feel encouraged to think that she will get something out of the deposit, but when the Government sweeps down and takes everything in the bank, what position is that woman in? I am one of those who think that we are responsible for our public acts as well as for our private acts. Is there a man around these benches that would deprive a widow of one dollar? Not one. Why then should we authorize the Government to rob—because it is nothing short of robbery—any unfortunate individual of anything, to take the merchant's money, take the interest that has been collected, and take the widows mite? I therefore move:

Page 18, line 2.—Leave out from "and" to "2" in line 7, and insert: "The depositors in the bank shall be the next charge, but should the assets prove insufficient to pay the depositors in full, then such depositors, whether Government or private persons, shall be paid *pro rata* out of the balance of such assets."

HON. MR. KAULBACH—I do not quite agree with this amendment. I really think it is the result of my hon. friend's sympathy with some unfortunate individuals. There should be some protection for the public. If I remember right, at the time of Confederation even the circulating medium of a bank was not the first lien. They participated in the losses with other individuals, but now the public are secured and have the first lien on the assets of the bank. And then, as far as the public are concerned, I think they are generally safe. Now, as regards these Government deposits, what do they amount to after all? It is the people's money, and the people must be protected, and I think you are protecting the people generally when you say that the money in the bank, which belongs to the people, shall be sacred—shall be the first to be paid out of all deposits.

HON. MR. MILLER—Will the hon. gentleman say whether the Government had any preference in Nova Scotia prior to Confederation? I think it had.

HON. MR. KAULBACH—I cannot say, but I think the first protection should be given to the people's money. As regards the shareholders and stockholders in the bank, they are anxious to have this Government money, and if there is to be a loss the shareholders should be the parties to lose. As regards private depositors, it is no doubt hard that they should not rank with the Government, but knowing the position they are in, they will be more careful where they deposit their money. I think the public generally are well protected—first in the issue, and then it is people's money that comes next. It should be the first lien on the assets of the bank.

HON. MR. O'DONOHOE—My hon. friend from Lunenburg says these deposits are the people's money. No doubt it is the money of all the people, put in the bank in the name of the Government, but why should all the people, excepting the depositors, get back their money in full, and the depositor be left without anything? Now, where is the justice in that? There is, running through all our laws, the principle that there should be an equitable distribution of funds. I may yet hear good reason to cause me to think otherwise; but at present, if all the people, through the Government, deposit their money in the bank, I do not see why all the people should be on any better footing than the individual who puts his money in the bank as a deposit. He suffers his share of the loss with all the people, but he is asked, beyond that, to suffer the loss of his money, by reason of having it there, and probably his great inducement in choosing that bank as a place for depositing his money was seeing that the Government had deposits there.

That is a feature that would be assuring to the ordinary mind and would impart confidence; the very confidence that caused the depositor to leave his money in that bank would result in the entire loss of it. I think the day has passed away when such a preference should exist. I entirely agree with the amendment of my hon. friend, and shall vote for it, or any amendment of the kind which this House may think fit to adopt, to remove any preference that the Government may have over the ordinary depositor.

HON. MR. ABBOTT—I quite understand the sympathy which people may feel at first sight for such a case as that narrated by my hon. friend from Fredericton, and the natural sympathy which every one would experience towards a poor woman who has been deprived of her pittance, her means of livelihood. But such things are by no means rare. My hon. friend says that no man in this House would take away the pittance of a poor widow. I would like to know very much whether hon. gentlemen in this House, or gentlemen anywhere else, would decline to take what they are entitled to, if they held a mortgage or privilege on a property, because unfortunately some person who had a claim or a mortgage or privilege subsequent to theirs should lose what he had in the property? That is done every day; it is a question of the law of the land. This privilege which the people, as represented by the Government, enjoy in having a privilege over the property of their debtors, is nothing new. It is the law at this moment.

HON. MR. POWER—We are trying to improve the law.

HON. MR. ABBOTT—This is not a new law. It is actually the law, though it is not clearly defined in the ordinary law.

That does not indicate what are the respective rights of the Dominion and the Provinces, nor the respective claims of the Government and the note-holders. There is a difference of opinion in the Dominion as to the privilege of the Crown over individual note-holders to receive payment of its debt by preference. The clause is introduced for the simple reason that at present, according to the jurisprudence of the courts, it is not settled what precise position the Crown, as represented by the Government of the Dominion, holds as compared with its position as represented by the Provinces, or the position the Crown holds with respect to note-holders. It has been held that the Crown comes before the note-holders: it has been held that the Crown comes after the note-holders. I believe there is now a dispute in the Province of Quebec whether the Crown means the Province or the Government.

There has been a case in dispute where the privileges of the Province have been maintained as against the Government. This clause is to make clear the position of the Crown, not for the purpose of creating any new law, because the law is exactly as it stands in this clause, with the exception of the definition of its precise distinctions. I think this House must necessarily give a very grave consideration to a change in the law which would upset the entire principle with regard to the rights of the Government, in respect not only of banks—that is to say, as to the principle itself—but of every subject which comes within the purview of our daily life. The position of the Government is well understood—everybody knows it. The very people who are referred to as having been induced to put money into the banks because the Government had deposits there know that the Government has a preference over individuals in getting paid. Therefore, if a person with his eyes open puts a deposit in the bank where the Government has large deposits, thinking that the bank is particularly good, he does so knowing that if the bank fails the Government will be paid first. No injustice is done such persons, any more than if they chose to put their money into a second mortgage. If they put their money into a second mortgage, can they complain because the first mortgagee absorbs the whole property? There are many other reasons which I cannot now explain at length why this privilege given to the Government is beneficial to the people, and not otherwise. Suppose we alter this law, and say that the Government shall have no privilege for its deposits in the banks, where would the Government keep its money? It might be imagined that no one bank is sufficiently good to hold the large amounts that they are obliged to keep on hand from time to time. At present what is done with them is this: the money is deposited in most of the banks of the Dominion in proportion to what the Government think is their fair responsibility. What is done with it? These banks use it—they lend it. The deposits of the Dominion Government form at this moment a considerable source of the accommodation which the banks are able to give to traders and others, in every town, village and parish in the whole Dominion of Canada. The result of depriving the Government of the immemorial privilege, which by the common law of the country it now has, would be simply that instead of giving this money in amounts more or less large to the banks generally, it would be obliged to consider which of those banks is absolutely safe, and put all the money there; and the result would be the growing up of the larger and more wealthy banks into huge corporations, while the smaller banks would be unable to give anything like the proportion of accommodation which they have been able to furnish by means of the Government deposits. Of course, we all know that banks do not confine themselves to lending the money which the get from their stockholders. I suppose that all banks have considerably more money from depositors than they have from shareholders, and subject to certain reserves and precautions they lend the money which they get from their depositors just as they lend the money which they get from their stockholders, and the Government, being one of these depositors, furnishes a very considerable quota of that money throughout the Dominion. The Government of the country have a certain amount of money on hand to meet its various wants, and when it has to make provision for large payments it cannot arrange to get it at once. It has to accumulate gradually, just as private individuals do, and that money is deposited

until it is required, and goes to help the trade of the country. Every man who wants to borrow money has the advantage, because the banks all through the country more or less enjoy the advantage of having these deposits of Government funds. I think the House will consider carefully whether they will abandon the principle of law which has prevailed from time immemorial with regard to the rights of the Government, and will reflect that in doing so they will make a great change in the whole financial system of the country; while, on the other hand, the people who suffer from the privilege which is given by the courts suffer no more than other people who lend their money when someone else has an advantage over them, which advantage they are bound to know when they lend it. It is really known to everybody, and if they put their money where there are Government deposits they know that they do so subject to the contingency of the bank failing and the Government taking its privilege for the amount of its deposits which may at that time be in the bank. I submit the amendment ought not to pass.

HON. MR. McMILLAN—What position do the Provinces hold in case the Government of Canada has no deposit?

HON. MR. ABBOTT—They would come next to the note-holder.

HON. MR. SCOTT—The leader of the House has, in my judgment, failed entirely to justify the contentions in support of this particular provision in the clause, on any principles based upon equity or justice. He has resorted simply to the argument of expediency, and when I first addressed this committee I felt that that was really the only point on which it could in any way be defended. The effect of putting the Government on the same plane as the ordinary depositor would be to concentrate the Government moneys in one bank. It would be the same as in England, where the Government money is centered in one institution. To that extent I recognize that some of the smaller banks would suffer. It was only on the ground of expediency that it could be defended at all; but there is another point to which the hon. gentleman from Glengarry has adverted, that also occurred to me, as showing how thoroughly paradoxical the paragraph was. The Crown is represented at Ottawa and represented in the several Provinces. The moneys of the Crown in the Province and the moneys of the Crown represented by the Federal Government belong to the same people; it is all the people's money, and the absurd distinction cannot be defended there. You may justify the proposition of the leader of the Government on the ground of expediency—and it is only defensible on that single ground, that the effect of our placing the Crown on the same plane with the individual would be to probably force the Crown reserve into one bank, and therefore all the other banks of the country would to that extent suffer. It could not be done, but at all events the larger and stronger, and certainly the safer banks would be selected by the Crown; otherwise, the Crown would be open to the imputation of having acted injudiciously and imprudently, if a considerable deposit was placed in a weak bank and it happened to go to the wall. The Government would select the strongest banks. If it were not for that single point it could not be defended at all, and I should heartily go for the change; but I desire to point out that it is too absurd and ridiculous that we should divide the two Crowns, that the people at one place and the people at another place should be looked upon as entitled to different conditions and different privileges. Let us eliminate that out of the clause, at all events, and put it on some common sense level. It is the people's money, whether it is held at Toronto, Quebec, Fredericton or any other provincial capital. It is the money of the people, and why should this absurd distinction be kept up and preserved? It is utterly unjustifiable. It is repugnant to one's common sense; it is not justifiable even on the miserable ground of expediency, on which we are allowing this absurd proposition to remain. The rights of the Crown, whether represented by the Provinces or by the Dominion, should be on the same footing.

HON. MR. WARK—The hon. gentleman from Ottawa says it is the people's money, and it is a question between the people and individuals. Now, if the Government took $50,000 out of the bank to which I refer, how much would the 5,000,000 of people in this country gain by it? Just one cent apiece; but the depositors are

stripped of everything. If it were cut down to the widow's $5,000 the people of this whole Dominion would be benefited to the extent of one-tenth of one cent each. There are eighty of us here, and this body would be benefited to the extent of eight cents and no more. There is a principle that I think we ought not to lose sight of: what do the people gain in comparison to what the depositors lose? The hon. gentleman says that this has been the law of the land. I defy him to show an instance since the Bill of Rights was passed, over two centuries ago, where the Crown in England has confiscated the property of an individual. The Bill of Rights declares this to be illegal, and the hon. gentleman cannot show where it has been done since the Bill of Rights was placed on the Statute-book. The Bill of Rights secured three things: the right of personal security—the Sovereign cannot interfere with the personal security of any individual—the right of personal liberty, and last of all the right of private property. That is the right that belongs to every individual under the law. We talk of prerogative: how does the prerogative come here, when the Crown does not possess it at home? How does it find its way to Canada, or has it any existence here? I say it has not. The hon. member used the word "privilege"—that this is a privilege of the Crown. How did the Crown obtain that privilege, since the Bill of Rights took it away? He says it is beneficial to the public. There was not one person, perhaps, in a hundred, who had deposits in the banks that knew anything about this pretended privilege, but what effect will it have on the banks when depositors come to know that this law is on our Statute-book? The moment some slight disaster befalls a bank every depositor that knows he is likely to be outwitted by the Government will rush for his deposits, and the bank will come down in consequence of this law being on the Statute-book. I hope the House will see the propriety of placing the depositors of the bank on the same footing as the Government. The Government have a great advantage: they have the returns coming in from the banks every month. The Minister of Finance and his staff have an opportunity of examining the returns from the banks and seeing whether they have largely increased their circulation or liabilities, of seeing whether their assets are diminishing and they have a check on the bank; but if the Government go on this principle that their deposit is safe they will let the bank go on and not check it. The very fact of the depositors knowing the Government have this right will lead them to withdraw their deposits if they have the least shadow of doubt as to the safety of the bank, and thus cause a run on the bank which will lead to its failure.

HON. MR. POWER—The leader of the House gave the first reason that has been advanced for placing the Government in a different position from other depositors. The hon. gentleman from Lunenburg talked about the prerogative; and he gave as a reason why we should continue the practice that the depositors are protected. That argument destroyed the argument in favor of this clause, because if the depositors who are postponed to the Government are well protected, surely the Government are well protected.

HON. MR. KAULBACH—I said the note-holders.

HON. MR. POWER—The first part of the clause provides that the notes should be the first charge on the assets, and I quite agree with the hon. gentleman from Ottawa in thinking that the only argument that can be used in favor of the preference given to the Government of Canada is the argument of expediency.

HON. MR. DEVER. Is not that a good argument once in a while?

HON. MR. POWER—I do not think that the result will be exactly what the hon. gentleman from Ottawa thought or what the leader of the House thought. The leader of the House said that if this preference of the Government were withdrawn, then the Government would naturally be inclined to deposit all their funds in one strong bank. It does not seem to me that it is at all a necessary consequence. The Government are in a position, as has been said by the hon. gentleman from Fredericton, to know which of the banks are strong; and the fact is, that the banks all over the country are, with very few exceptions, in a sound financial position, and the Government would feel perfectly safe in depositing in any one of those banks. The Government would have to do as private

depositors do. There are private depositors who, in some instances, have larger amounts deposited in the bank than the Government, and these private individuals use their best judgment as to which bank they shall deposit in, and it may be that the private individual does not know whether the Government have any deposit in the bank or not. If the bank, through misfortune, becomes insolvent, then he finds out for the first time that the Government have a deposit there, which has to be taken out entire before he receives anything. I do not think that any sound reason has been established for the distinction between the deposits made by the Government and the deposits of other people. The fact is, looking at it from every point of view, except that of expediency, the deposits of private individuals ought to be more secured than those of the Government. If $300,000 of Government money are lost in a bank, that amounts to a very small sum to each one in this country. The loss is spread over five millions of people; whereas, a loss of $30,000, which may represent the whole fortune of a private family, is a very serious loss in a comparatively small sphere. If we were legislating in the direction of justice, the Government claim ought to be postponed to the claims of private depositors. The leader of the House has compared this to the case of a mortgage, but the cases are not at all parallel. In the first place, if there is a mortgage on a property, money will not be loaned on it by any subsequent lender without knowing that there is a first mortgage, and the amount of it. That is not the case with a person who deposits in a bank. In the first place, the ordinary depositor does not know whether there are any Government deposits in the bank or not, so that the cases of a mortgage and a bank depositor are not at all parallel. I think the Bill would be considerably improved by the amendment proposed by the hon. member from York.

The committee divided on the amendment, which was lost, on the following division:—Yeas 10; nays 18.

HON. MR. MCKINDSEY from the committee, reported that they had made some progress, and asked leave to sit again.

The report was adopted.

The Senate adjourned at 1 p.m.

Second Sitting.

Ottawa, Wednesday, May 14th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

YORK COUNTY BANK.

THIRD READING.

HON. MR. VIDAL, from the Committee on Banking and Commerce, reported Bill (39) "An Act to incorporate the York County Bank," with an amendment.

The amendment was concurred in.

HON. MR. VIDAL moved that the Bill be read the third time at the next sitting of the House.

HON. MR. POWER—The hon. gentleman had better move the third reading now, or he may lose the Bill in the other House.

HON. MR. VIDAL—The Bill is predicated on the presumed passage of the Banking Act, and that was the reason I did not move the third reading now, as the Banking Act has not yet passed.

HON. MR. SCOTT—It is better to have the Bill read the third time at once, than to risk losing it.

HON. MR. VIDAL—I move 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 BEHRING SEA DIFFICULTY.

ENQUIRY.

HON. MR. MACDONALD (B.C.) enquired:

Whether there is an immediate prospect of the owners of vessels and cargoes, seized by the United States Government in Behring's Sea, being recompensed?

Is there any probability of an amicable arrangement being arrived at between the Imperial Government and that of the United States, under which Canadian vessels may be allowed to enter Behring's Sea to prosecute the seal fishery?

Will the Government give this House such information as to the present position of affairs relating to the Behring's Sea question generally as in the public interest can be made public?

HON. MR. ABBOTT—I regret that I cannot answer my hon. friend's questions more fully, but I may say this, as referring to the actual state of affairs at this

moment: Negotiations for the settlement of all the differences between this country and the Americans with reference to Behring's Sea are proceeding, as the Government think, favorably, and they hear almost every day of their progress. To-day they have received news which renders it probable that they may be able to make a much more definite communication to the House within a day or two. I must ask my hon. friend to take this as an answer to the three questions. With respect to the two first, there is no possibility of my saying anything more than I have done; and as regards the last, as the negotiations are still in progress it is impossible for me to communicate any portion of them to the House.

HON. MR. MILLER—I would like to know from the hon. gentleman, when he says the negotiations are proceeding favorably, does he mean satisfactorily?

HON. MR. ABBOTT—When I spoke of their proceeding favorably, I meant that we have no reason to be discouraged as to a satisfactory result, but the contrary.

HON. MR. MILLER—My attention was drawn recently to a telegram from Washington, in which it was stated that these negotiations were nearly concluded, and that our agent there would shortly return home; and in addition to that, that negotiations were not so much regarding Canadian interests as Imperial interests, and therefore, inferentially, that the Canadian Government could have no responsibility with regard to the conclusion arrived at? I hope when we receive fuller information that no such instructions as that will be given to this House. I do not believe that the people of this country will relieve the Government from responsibility in connection with whatever negotiations may be consummated with regard to Behring's Sea. I think it would be exceedingly unfortunate if the arrangement which will be arrived at is not satisfactory to the people of this country as well as to the Imperial authorities.

We all know that we have at the present time, in consequence of the action of the Imperial authorities, a burning question in Newfoundland, in connection with the lobster fisheries of that island, which are now being carried on under the *modus vivendi*, in a manner which is very unfair indeed to the people of the colony. It would be exceeeingly unfortunate if, when we receive the result of these negotiations with regard to the Pacific coast question, a similar state of excitement may be aroused on the Pacific as now undoubtedly exists on the Atlantic coast, in regard to the manner in which the British Government have settled an important question in relation to the fisheries of Newfoundland.

HON. MR. KAULBACH—As far as Newfoundland is concerned, the aggressions of France on the territorial rights of that island affect us seriously. I believe it is an invasion of the rights of Canada, and especially those parts of Canada on the Atlantic coast, the Gulf of St. Lawrence and the Straits of Belle Isle, in which we are equally interested with Newfoundland; and if the French are allowed, not only to have territorial rights, but exclusive rights, which they claim, it must seriously interfere with our fisheries. We know the tyrannical manner in which the French seized some of our vessels a few years ago, while fishing, and that it was a subject of great complaint in Nova Scotia. Not only was it an infringement of our rights that must not be repeated, but we must look to Newfoundland as the key of Canada; for if the French are allowed to set up territorial rights as well as fishing rights in that island, they strike at a vital point in the position of Canada. We should endeavor as far as we can to keep uninterrupted communication through the Gulf and through the Straits, and I think it is a matter of immense importance to us that the Government should regard it with a jealous interest and take a decided stand with regard to the rights of Newfoundland, which are virtually our rights. If the French can set up this claim, not only on the sea but on the shores of the Gulf of St. Lawrence, it would trespass largely upon our rights and privileges, and may be a source of trouble in the future.

THE DOMINION LANDS ACT.

WITHDRAWN.

The Order of the Day being called for the second reading of Bill (EE) "An Act further to amend 'The Dominion Lands Act.'"

HON. MR. ABBOTT said: This Bill has come before the House at a late period of

the Session, and as it seems likely to involve some discussion on the school laws and other subjects connected with it, I propose to ask the House to allow me to withdraw the Bill.

Leave was granted, and the Bill was withdrawn.

THE PILOTAGE BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (DD) "An Act to amend 'The Pilotage Act,' Cap. 80 of the Revised Statutes."

(In the Committee.)

HON. MR. ABBOTT—This Bill has been delayed for several days, in consequence of deputations coming from the pilots of the St. Lawrence, under the impression that this legislation was going to interfere with their rights. There appears to be some dispute amongst the shippers and pilots as to how far the exemption from compulsory pilotage dues applies to certain steamers of a certain class in the River St. Lawrence. I have no doubt on the subject myself, but in order to avoid any discussion or difficulty on that matter, the clause which is before the House for a certain purpose is slightly remodelled in its language, so as to give the benefit—if there be any doubt about the law—to give the benefit of that doubt to those who are opposing the Bill. The objects are twotold: first, to extend the privilege of exemption from compulsory pilotage to vessels trading from all ports south of New York. At present ships propelled either in whole or in part by steam, trading between the Provinces and down the coast of America as far as New York, are exempt from compulsory pilotage. It is proposed to extend that privilege, whatever it is, which now exists, to vessels which trade down to ports south of New York. That is not objected to, but what was objected to was the assumption that at present such vessels did not pay pilotage dues in the River St. Lawrence. The Government are satisfied about that, and are content to leave it with the law as it stands, and the remodelling of the clause in this way has that effect. I must remind the House that the clause of which this is a sub-clause provides that the followingshall be exempted ships, &c., &c., and that it then goes on to describe them. The effect of this is merely that the class of ships that are now exempt from pilotage dues when trading between the Provinces and down as far as New York are now exempt by the extension of that privilege when trading south of New York.

HON. MR. HOWLAN—Does that affect the pilotage districts of Halifax and Sidney?

HON. MR. ABBOTT—No; it leaves them to regulate their own affairs as before. It is applicable mainly to the Bay of Fundy. It is from there that ships sail mainly for the West Indies. The other amendment is to make sub-section (*f*) apply to all ships registered in Canada. At present the law is this: In the St. Lawrence all ships of not more than 250 tons registered tonnage are exempt from compulsory pilotage; in other pilotage districts the pilotage authorities regulate the exemption as they think proper, and in others the standard is much lower. This Bill makes it uniform. Ships not above 250 tons registered tonnage are all exempt from compulsory pilotage.

HON. MR. DRUMMOND—Would the effect of this be to make any difference in the pilotage in the Province of Quebec as compared with Nova Scotia or New Brunswick?

HON. MR. ABBOTT—My hon. friend is mistaken about Quebec, ships propelled partly or wholly by steam engaged in this trade not being exempt from compulsory pilotage. The object of this Bill is to make the law uniform in other portions of the Dominion.

HON. MR. McCLELAN—I think the amendment is very necessary indeed. The Maritime Provinces are building a large class of vessels, and the captains are as familiar with the coast as the pilots can be.

HON. MR. DRUMMOND—If it increases the number of exemptions from pilotage, would it not have the effect of increasing the amount of dues collected from ships that are not exempt? I understand there is a system of guaranteeing a minimum salary to the pilots.

HON. MR. ABBOTT—I understand there is a regulation in respect to this corpora-

tion of pilots in Quebec, which I do not think is an unmixed good, by which each pilot gets at least $600. If the fees were diminished I suppose there would have to be a diminution of the number of pilots. My hon. friend suggests that the result of this might be to increase the compulsory pilotage dues on other vessels that are not exempted. They cannot do that of themselves, and the Government have no desire to increase, but on the contrary are extremely desirous of diminishing, the charges on vessels navigating the St. Lawrence.

HON. MR. McINNES (B.C.), from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time, and passed.

CALGARY AND EDMONTON RAILWAY CO.'S BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (150) "An Act respecting a certain Agreement therein mentioned with the Calgary and Edmonton Railway Company." He said: This is a Bill to confirm an agreement made with the Calgary and Edmonton Railway Company, of precisely the same nature as the agreement made last year with the Regina and Long Lake Railway Company. It is simply to provide that in return for services undertaken to be rendered by the company in the carriage of mails and the transport of provisions, and the like, the Government guarantee for a term of years a certain sum of money, $80,000 per annum, on the construction of the railway from Calgary to a point on the North Saskatchewan River near Edmonton. The payment of this is secured by a contract to perform all these services, and this contract is further secured by an assignment of a large proportion of the entire land grant of the company, which is large. The security is on exactly the same lines, in the same proportions and calculated at the same rate per mile as the agreement we passed last year with respect to the Regina and Long Lake Railway Company. It is a most important line.

The motion was agreed to, and the Bill was read a second time, and referred to a Committee of the Whole House.

HON. MR. CLEMOW, from the committee, reported the Bill without amendment.

The Bill was then read the third time, on a division, and passed, under a suspension of the Rules.

THE BANK ACT.

THIRD READING.

The House resumed in Committee of the Whole the consideration of Bill (127) "An Act respecting Banks and Banking."

(In the Committee.)

HON. MR. McMILLAN said: Clause 50 says that the bank shall hold not less than 40 per cent. of its cash reserve in Dominion notes, but it does not say what the cash reserve shall be.

HON. MR. ABBOTT—My hon. friend is not singular in noticing this, but it has been in the law for twenty years, and there is a very great difficulty in saying anything more definite about it than is there. The subject was discussed in 1870-71, and again in 1880-81, and the conclusion come to has been to leave it as it is. Of course, every prudent bank keeps a certain amount of reserve, which can be ascertained by its monthly statements, and with that kind of supervision over them the public has hitherto been content.

HON. MR. DRUMMOND—The remark of the hon. gentleman is perfectly natural. The clause might as well be omitted from the Bill. A bank doing a business of millions may hold only one dollar of reserve: it is nothing more than a farce. The opinion I have held, and that I hold very strongly, is, that a fixed reserve to meet all possible contingencies is absolutely essential for safe banking; but by general consent it has been dropped, and I think at this moment it is too late to raise the question at all. It is only by way of protest that I say a word. It seems to me that the banks should be called upon to hold a certain fixed reserve, but at this hour it is perhaps unnecessary to say anything further on the subject.

HON. MR SCOTT—I proposed, when the House rose, to take the sense of the House on another paragraph of clause 53. It was urged that as the Crown was trustee for the people, it ought to have a lien

prior to all other creditors in the event of a bank failing. If that is a sound principle, and the House has committed itself to that view, there should not be that nice distinction that the Crown, as represented by the Federal Government, should supersede the Crown as represented by the Provincial Government. Let us see how it works: take one of the smaller Provinces. The Government of that Province deposits its money in a bank; the Federal Government also has money deposited there. In the event of the bank failing to meet its payments the Federal Government absorbs the money, leaving the Province without its proper proportion. Surely the Province ought to stand on an equally good footing, if it is a trustee for the people. Being the people's money, if there is any soundness in the logic we have heard, the principle ought to apply generally. I therefore move after "Canada" to insert, "and to the Government of any of the Provinces."

HON. MR. ABBOTT—I am afraid I cannot concur with my hon. friend in the propriety of that change. Although it is very true that the fact that these privileges are in the interest of the people generally has been allowed considerable weight in maintaining the clause as it stands, the Government of the Province and the Government of the Dominion are not on exactly the same footing with regard to the assets of the bank. The Government of the Dominion represents the whole people of the Dominion: the Government of the Province represents only a section. By the Dominion Government ranking, the people of each Province are protected. Each Province is interested in the Dominion claim, and every Province gets its proportion of whatever is recovered from the bank in proportion to its interest in it. That being a wider privilege, it is given precedence, because it benefits everybody. The privilege which my hon. friend would give the province would benefit a section of the people—sometimes a large section, sometimes a small section—and it is thought proper to keep such a gradation of ranking that the whole people should rank first and a section of the people next.

HON. MR. SCOTT—The amendment that I propose would place the money of the Province and the money of the Federal Government on the same footing exactly.

HON. MR. PROWSE—I am not altoge ther in sympathy with the clause, though it would be rather injudicious to change it at this period of the Session. It might upset banking arrangements to a very large extent. However, this question may come up again at a future time. I sympathize very much with the view taken by my hon. friend from Fredericton. I cannot see why the Government which is the stronger should have a prior claim over the weaker Government, and why either of these should have a prior right or claim over the weaker individual. It is not a sound doctrine. The argument before the adjournment was, that if this arrangement was not made the Government would place their moneys in the strongest banks. I might say in reply to that, that the rule would work both ways. It is just possible that the Government may place their funds in the hands of a bank that really ought not to be in existence at all, that is all but bankrupt at the present time, and using the public moneys to keep that bank afloat for a short time, when possibly a change of Government might take place, the funds would be withdrawn and the bank would collapse. I rather think that has been the history of the past in one or two instances. In that case banks may be kept afloat for years with public money which ought not to be doing business at all, which ought to have gone into bankruptcy years before and would have gone into brankruptcy probably if it were not for the assistance given them by the Government of the day. Then, again, by the Government placing their funds in certain banks it monopolizes to some extent the deposits that would otherwise be placed in those banks—that is, it has a tendency to reduce the rate of interest the banks would give to the public were it not for the money deposited in those banks by the Government. I think if the Government money was deposited in those banks without drawing interest it might give them a prior claim, but if the banks are giving the Government interest on their deposits I cannot see any justice in giving them a prior claim.

The committee divided on the amendment, which was rejected. The clause was then adopted.

On the 54th clause,—

HON. MR. ABBOTT said: This clause contains provisions which are made for the security of the circulation. The House will perceive that divested of verbiage that security amounts to this: every bank shall pay into the hands of the Minister of Finance 5 per cent. of its circulation, to constitute a fund for the security of the circulation of all the banks.

HON. MR. SCOTT—If the circulation diminishes after the 1st of July they get a certain proportion of it back.

HON. MR. ABBOTT—It is adjusted every year.

The clause was adopted.

On the 57th clause,—

HON. MR. SCOTT said: It has been observed, I dare say, by hon. gentlemen, and is a very great grievance on the part of the people of this country, that the banks of Canada are too prone to retain old notes which carry disease. That was particularly marked last year when the "grippe" prevailed in the country. There is no reason why old notes should be issued time and again. I am told that the Government of Canada are always ready to place at the disposal of the banks notes that are new. We do not ask that the rule existing in England, that a new note be issued on every occasion, shall be adopted, but I think we are fairly entitled to demand that the banks of this country shall not be permitted to issue notes that are defaced, torn, filthy and unfit to take into your hands. It is a grievance that ought to be remedied. The banks do gain some advantage from it, because the mutilated and torn bills disappear sooner, and the bank gets the benefit of it if they are destroyed. I move that the following be added to the 57th clause:—

"Provided always, that no payment, whether in Dominion notes or in bank notes, shall be made in bills that are torn or partially defaced by excessive handling.'

HON. MR. OGILVIE—We do not require that in Montreal.

HON. MR. SCOTT—We do in Ottawa.

HON. MR. ABBOTT—The motion of my hon. friend is somewhat vague, and if the Government do not object greatly to adding these words to the clause it must be understood that the law will be carried out in a reasonable way.

HON. MR. SCOTT—Nobody will object to its being enforced in a reasonable way.

HON. MR. ABBOTT—We cannot define exactly the extent of mutilation that will justify the burning of a note, but assuming that the law will be worked in a reasonable way, I do not undertake to oppose it. It is an experiment, and we will see how it works, and if we find that people insist upon the issuing of new notes unreasonably we will repeal it.

HON. MR. DRUMMOND—While there is a good deal on the face of the proposition, I think it may be worked to be in the highest degree inconvenient and impracticable, and it is a matter which will affect the bank note printers in a very pleasant way. I believe that even the Bank of England has abandoned the practice of never issuing a bank note twice. It is not the rule in Scotland, Ireland or anywhere in the United Kingdom, but in the Bank of England. Take the case of bank notes issued to laborers engaged in the construction of a railway at an enormous distance from any centre: these notes get worn out in the pockets of the men, where they are in contact with tobacco pouches, jack-knives, &c., and come back after being one week in circulation in a condition that would imply that they would not fulfil the requirements of the law, according to the motion of the hon. gentleman from Ottawa. I think the hon. gentleman ought to content himself with a recommendation that the banks should not issue notes that are defaced, mutilated and dirty. As for the conveyance of the "grippe" by bank notes on a recent occasion, my hon. friend is out on that entirely: it is universally recognized that the "grippe" did not follow the lines of communication, but appeared simultaneously in places thousands of miles apart.

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

On the 88th clause,—

HON. MR. ABBOTT said. This is the clause which provides for the publicity ot balances remaining in the possession of the banks unclaimed for a period of time which is fixed at five years. It applies as

well to unclaimed dividends as to unclaimed balances. The object of the clause is to enable people who are not aware of balances lying at the credit of persons whom they represent, and perhaps at their own credit, to draw such balances. There has been a good deal of feeling in the public mind as to the necessity of this clause, and it is drawn word for word as it was passed by us in the Savings Bank Act.

HON. MR. DRUMMOND—I opposed the whole tenor of this provision when the Savings Banks Bill was being considered, and I did not meet with sufficient encouragement to warrant me in opposing this. However, I beg to suggest to the House that perhaps some limit might, without infringing on the principle, be adopted as to the amount which should be returned. Now, an analysis of the total sum lying in the hands of the Bank of Montreal which would be returnable under the law enables me to say that there are very nearly two thousand sums under one dollar, and which would require an immense amount of labor every year on the part of the bank to return. Now, would not the House consider favorably some limitation as to the amount, and if so, I would suggest, and always have had the idea that strict justice would be satisfied if there was a limitation of the amount below which it was considered unnecessary to make these returns It does appear to me that a man who has left 25 cents for a period of five years unclaimed need hardly expect to have a return made to Parliament, with all the attendant charges entailed on the bank. I would suggest that the words "not less than $5" be inserted.

HON. MR. ABBOTT—I am sorry that I cannot concur in carrying out the suggestion. My hon. friend has given so much attention to this Bill and has so intelligently discussed many of its clauses that I really dislike to oppose any suggestion that he makes. But I have discussed this particular point with the Finance Minister—in fact, I suggested it myself, because I saw in a memorandum made by one of the banks, as to unclaimed balances of one kind and another, that there was a large number of those balances which were for very small sums; but the answer made to me, and I think it is a sound one, was, that these sums as a rule are balances of accounts which people have closed for one reason or another. Through some error in drawing out the balance, in the last cheque that is issued, for instance, a mistake has been made, perhaps only of 50 or 70 cents, and the moment the first returns come in and show that these accounts are still open they will all be wiped off. Every man who finds that he had a balance left of some old account in a bank will take it away, and I cannot see any possible reason why even $1,000 worth of these accounts should remain in the hands of the banks. It would seem to be in the interest of the banks themselves to have these accounts closed. We have no more right in principle to deprive an individual of 50 or 75 cents than of $500. I do not think any institution has a right to retain a single cent from anybody. As far as the information of the Finance Minister goes, it seems to be plain that the difficulty will end after the first return; people will close their account, and I think it would be for the benefit both of the banks and of the individual that they should do so.

The clause was adopted.

On section 103,—

HON. MR. POWER—Perhaps the hon. leader will tell the committee whether there is anything in the Bill which will render the returns of banks more reliable?

HON. MR. ABBOTT—All the forms have been gone over and improved. There are several small amendments in the returns which will tend to make them as efficient as they can be made.

HON. MR. McKINDSEY, from the committee, reported the Bill with several amendments.

The report was received and adopted.

HON. MR. ABBOTT moved the third reading of the Bill.

The motion was agreed to.

THE SPEAKER—This Bill having been read the third time, is now ready to pass.

HON. MR. WARK—I intended to move my amendment on the motion for the third reading of the Bill.

HON. MR. McCLELAN suggested that the third reading should be declared as not having been passed, as several gentlemen

wanted to vote on the proposed amendment.

HON. MR. ABBOTT—The Bill has been read the third time, but there is no reason why the hon. gentleman should not move his amendment now.

HON. MR. POWER—The House has never been given to standing on technicalities in a case of this kind. The hon. gentleman from York was endeavoring to attract the attention of His Honor the Speaker at the time the Speaker was puting the motion for the third reading, and the better way would be to consider that he had attracted the attention of the Speaker, and that the Bill was not read the third time.

HON. MR. WARK—I move that the Bill be not now read the third time, but that it be further amended as follows:—

Page 18, line 2.—Leave out from "and" to "2" in line 7, and insert: "The depositors in the bank shall be the next charge, but should the assets prove insufficient to pay the depositors in full, then, such depositors, whether Government or private persons, shall be paid *pro rata* out of the balance of such assets."

The House divided on the amendment, which was lost, on the following division:—

CONTENTS:

Hon. Messrs.

Armand,	O'Donohoe,
Baillargeon,	Pelletier,
Chaffers,	Power,
Girard,	Reesor,
Grant,	Scott,
Haythorne,	Stevens,
McClelan,	Wark.—15.
Miller,	

NON-CONTENTS:

Hon. Messrs.

Abbott,	McDonald (C.B.),
Almon,	McKay,
Bolduc,	McKindsey,
Boucherville, de,	McMillan,
Casgrain,	Macdonald (Victoria),
Clemow,	Merner,
Cochrane,	Montgomery,
DeBlois,	Murphy,
Drummond,	Ogilvie,
Flint,	Perley,
Glasier,	Prowse,
Guévremont,	Smith,
Howlan,	Sullivan,
Kaulbach,	Vidal.—29.
Lougheed,	

HON. MR. SCOTT—I desire now to move the amendment that I moved in committee, that the Bill be not now read the third time, but that it be further amended as follows:—

Page 18, line 3.—After "Canada" insert "and to the Government or any of the Provinces," and strike out from "and" in the fourth line to the end of the section.

The effect of it is to put the Governments of the Provinces on the same plane as the Government of the Dominion.

The amendment was declared lost on the same division.

The Bill was then read the third time, and passed.

THE TARIFF BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (143) "An Act to amend the Acts respecting the Duties of Customs.'

HON. MR. POWER—Perhaps the Minister might explain why, having already more revenue than they require, the Government have seen fit to impose considerable additional duties on several of the necessities of life? The hon. gentleman seems to suppose that we should take the necessity for granted; but I think this is one of the Bills which requires a speech from the mover at the second reading. I may be converted, but I do not at the present moment see any reason for the measure.

HON. MR. ABBOTT—There are some schismatics so incorrigible that it would be useless to speak with the idea of converting them, and I fear my hon. friend is one. Of course, with reference to the details of this Bill, I do not for a moment pretend to discuss them or to explain them. They are too numerous in their character for any outsider to master, but I am satisfied that the principle on which the changes have been made has been in furtherance of the principle on which the success of the National Policy depends. There have been considerable additions made to many of the articles produced by our own farmers.

HON. MR. SCOTT—A farmer's Bill.

HON. MR. ABBOTT—I thank my hon. friend from Ottawa for the expression: it is largely a farmers' Bill. There have been pains taken throughout the Bill to make provision in the Bill for the protection of the productions of the farm in several respects in which it was thought

the position of the farmers could be improved; and however well or ill the Government may have succeeded in their design, that design was to make better provision for the protection of the farmers of this country. In addition to those changes, there have been other changes made throughout the Bill.

HON. MR. POWER—All for the farmer?

HON. MR. ABBOTT—Mainly for the purpose of carrying out the principle which the Government of the country has been acting upon for a good many years, of furthering the introduction of raw material at the lowest possible rate, and making the protection of manufactured articles which we ourselves produce sufficient for the purpose of giving a fair start to the manufacturers who are establishing industries in this young country. That is the principle on which the greater part of the remainder of the changes have been made.

Some changes have been rendered necessary for the purpose of securing the proper collection of the revenue. In many instances the mode in which duties were imposed left the door open to frauds in the Customs, and certain amendments have been directed towards getting rid of these difficulties. There have been a number of deductions from the duties of the former years, where they were larger than was thought necessary for the due and proper protection of the manufacturers—such, for instance, as wall paper, and things of that description. I do not know that I can do more than indicate in this way the leading principles upon which the tariff has been modified. I cannot say that it has been framed, because it is only a modification of the present tariff, and these modifications have all been made with the design to improve the tariff in the way I have indicated.

HON. MR. ALMON—In case you make a convert of the senior member for Halifax, I wish to remind the hon. leader of the words of Robbie Burns:

> "The Deil came piping through the town
> And waltzed away with the exciseman:
> I wish you luck of your prize man."

HON. MR. SCOTT—This Bill, we are advised, is in the interest of the agricultural population of Canada.

HON. MR. ABBOTT—Largely so.

HON. MR. SCOTT—It is very strange how, under the protective system, a strong feeling has arisen on both sides of the line that there is one individual who, in the past, has not been protected under the National Policy in the Dominion and the protective policy of the neighbouring Republic. Mr. McKinley has wakened up to the fact that the farmers in the United States want protection, and the Finance Minister at Ottawa has wakened up to the same realization—that the farmer is being very heavily taxed—that the farmer, the artisan and the laborer, embracing 80 per cent. of the whole population, are being taxed for the benefit of the manufacturer; so, in order to render this Bill a little more palatable, a proposition is made that the farmer also shall be protected and, as my hon. friend has said in introducing this measure to our notice, he has drawn our attention to the Bill as one in the interests of the agricultural classes. Mr. McKinley has also done the same thing in introducing his Bill at Washington, and it is very funny how the two Bills run in the same line. In the United States they have put a duty on corn. They imported 2,000 bushels of corn last year, and exported 69,000,000 bushels, so corn has been put under the bann. In the same way we find corn meal is on the list in both countries. A little of the corn meal imported into this country has the duty on it commuted, however, for the benefit of our friends in the Lower Provinces. On all the products of the farm—beef, pork, apples, and so on, the very articles that are introduced in the Bill now before us, protection has been given under the McKinley Bill also, only the McKinley Bill took the lead; and it seems to have given the cue for a similar proposition here, and here we have this farce of the Legislatures of the two countries telling the farmer: "We are going to protect you against your neighbor—against the imports of farm produce from the adjoining country." So we find at the very start in this Bill the statement my hon. friend has made that it is in the interest of the farmer, and we find that sustained in this way. The 5th article among the items reads "animals (living)" viz:—Cattle and sheep, 30 per cent. *ad valorem*." They were free before, and could come across in any quantity. What was the necessity for that on this side of the line? We find that as far as cattle are

concerned, in Ontario there was not a single animal under the head of "Cattle, living," imported from the United States last year; yet the cattle of the Ontario farmer are to be protected. The farmers of Ontario exported last year $5,714,000 worth of cattle and did not import on dollar's worth, yet they are to be benefited to that extent under this Bill. I find that in Quebec they did import 59 cattle, and in British Columbia and the North-West they imported 541 cattle. Now, it is perfectly manifest that where the people were poor—where they actually needed animals in British Columbia and the North-West, they found it convenient to bring them from across the line. Poor settlers going into the North-West could not afford to bring their cattle all the way from the east with them, yet they are forbidden from buying them across the line without paying 30 per cent. duty. The next item we have on the list is sheep, 30 per cent. *ad valorem.* Ontario, strange to say, imported just one sheep last year, and that poor sheep is going to be kept out now. There is no doubt this 30 per cent. will keep out that sheep. Ontario, however, with other portions of the Dominion, sold 1,276,918 sheep, either to our neighbors across the line or to our cousins on the other side of the Atlantic, yet that unfortunate sheep has been the source of such terrible trouble that he is now to be kept out under a duty of 30 per cent. Yet my hon. friend tells us that this is largely in the interests of the farmers. Then, Ontario imported last year two hogs—two live hogs—and those two hogs have got to be kept out.

HON. MR. CLEMOW—And how many dead hogs?

HON. MR. SCOTT—We are just now keeping out the live ones that could walk across the border. British Columbia seems to have been the largest importer of hogs. I suppose they need them there in the mining districts, and they imported 2,819 hogs. Now, they will either have to send two or three thousand miles down to Ontario for hogs, or they have got to pay this duty of 30 per cent. in a country that ought to be permitted to purchase at the lowest possible rates. Of horses we imported last year altogether 4,049, and we sold of horses $2,226,802 worth. I do not think we require 30 per cent. against the introduction of horses under that condition of things. It certainly seems to my mind very paradoxical.

HON. MR. McCLELAN—Retaliation.

HON. MR. SCOTT—My hon. friend says retaliation; it has that appearance. To the mind that does not analyse and investigate this subject the appeal is made in this way—we are going to protect you from the farmer of the neighboring country. The people have not the Trade and Navigation Returns under their hands, and they are led into the fallacious belief that they are protected under this fiscal policy. Of 4,049 horses imported, I find that half of them went to Manitoba and the North-West—taken there by settlers who were too poor to get them from here. I think it is a mistake, in trying to build up the North-West not to furnish facilities to the farmers there to acquire what are their actual necessities. They are, in the ratio of their numbers and position, being more heavily taxed than any other people in the Dominion. They are removed from the centres of manufacture in the larger Provinces. It is impossible for them to get machines made in this country without having to transport them four or five thousand miles. A man who wants a reaper, a mower, or any other farm machinery, has to bring it that distance or pay a duty of 25 per cent. or 30 per cent., but even with this heavy tax he is obliged to import his farm machinery. The tax is unnecessary: we have a surplus, and the surplus is given as subsidies to railways and scattered broadcast over the Dominion.

HON. MR. SMITH—The North-West is largely supplied now with machines from Ontario.

HON. MR. SCOTT—If you take up the Trade and Navigation Returns you find that they are still imported; the farmers of the North-West import them, paying a duty of 30 per cent., and that is a direct tax on them. If the manufacturer sends a machine to the North-West from Ontario, we all know that he charges a price which brings it up to within a trifle of the price of an American machine with the duty added. Nobody expects the manufacturer to be patriotic enough to sell those machines for less than he can get for them. With respect to live animals, I do not suppose it would be parliamentary to call this duty

a farce, but if we were speaking confidentially among ourselves we would say that it is a farce to talk of protecting the farmer. The world is the market of the farmer, not the home market. Fortunately, we produce a surplus and export to the country that is willing to accept our products without imposing a duty on them. The majority of our agricultural products are shipped across the Atlantic: some go to the United States, but the mother country imports annually from various countries $600,000,000 worth of food products. That is about the average paid by the British public annually for the food supply purchased abroad, and yet it is the richest country in the world. Day by day it is heaping up its wealth, unable to find investments, and travelling over the world to dispose of the money accumulated by reason of its superior fiscal policy.

HON. MR. HOWLAN—They did not adopt free trade until after they had built up their manufactures.

HON. MR. SCOTT—Industries are not built up in that way. In the neighboring country, where protection has been in force for forty or fifty years, the infant industries have to be supported yet. They are begging year by year from Congress, as our manufacturers are begging from this Parliament, for more support and protection. The fallacy of it ought to be perfectly evident when we have those illustrations. The United States ought to be the wealthiest country in the world, because it has more natural wealth and produces one-third of all the gold and silver in the world. It has the richest mines of copper, large deposits of coal and iron side by side, every variety of climate, and produces the largest amount of cereals and helps largely to feed the English people. It has every element of wealth.

HON. MR. HOWLAN—And it is wealthy.

HON. MR. SCOTT—Year by year it is running behind, so that English capitalists are taking possession of their various factories. Ought not that to teach us that there must be some fallacy about the policy that Canada has unfortunately adopted? Could there be anything more convincing than the advantage which England enjoys in the race between the two countries? One country, that you could hide away in our own North-West, rapidly increasing in the accumulation of wealth under free trade—advancing by such enormous strides that, as I see by a report the other day, 80 per cent. of the whole tonnage of the world passing through the Suez Canal belongs to England. Its ships are doing the trade for every civilized country, including the United States. With a seaboard of half a continent, the United States do not to-day own more than 15 per cent. of the vessels that carry American traffic. Surely it ought to be some reason for hesitating as to whether the policy that we have inaugurated in Canada is the wisest and soundest. The United States ought to have progressed with much greater rapidity that it has: Canada ought to have advanced more rapidly than it has advanced. Canada has almost as many elements of wealth as the United States, and with our great natural advantages we ought to have gone forward with more rapid strides than we have. If Canada had been made a cheap country to live in it would have been more prosperous that it is to day. Hon. gentlemen will point, no doubt, to the time when the Mackenzie Government were in power, and say it was because we did not collect $10,000,000 more duty that the country suffered from prostration of trade; and yet, if any fair-minded man chooses to analyse the causes, he will simply become convinced that the prostration in Canada was due to the stagnation of trade throughout the world—due to the fact that other nations were unable to buy our products, and to pay as good a price as we had been accustomed to receive for them. As an illustration of that, it is worth noting that in the five years from 1874 to 1879 the United States bought lumber to a less amount by $50,000,000 than either the preceding five years. There is a perfect illustration of the fact that the cause of the depression was not in Canada: it was outside of Canada, and was entirely owing to the fact that I have mentioned, that other countries were depressed and could not buy as largely from us as in other years. No item can prove that more clearly and more distinctly than the one that I have quoted with regard to our exports of lumber to the United States. Surely no man will contend that the imposition of a tax on a

variety of articles in Canada would stimulate the lumber trade. Yet there is the fact that five years after the period to which I have referred we sold $50,000,000 more of lumber to the United States.

HON. MR. READ—We had the National Policy then.

HON. MR. SCOTT—That was not the cause of it. I have slightly digressed, owing to interruptions. I will take this farmers' question, and point out a few more instances, the only instances where it can be at all pretended that the farmer would be benefited. I think it is perfectly clear, so far as the items I have quoted are concerned, that the farmer is not benefited by any such policy. When the animals were coming in free the number did not exceed what I have mentioned. Take the items of wheat and flour: We imported last year for consumption 15,167 bushels of wheat, and we exported 409,905. Of flour, which is now subject to a duty of 75 cents per barrel, and before to 50 cents, we imported 257,391 barrels. Of that the richer Province of Ontario took nothing. Quebec took the largest portion. The Province where they grow least wheat, and where the population is dense, bought the flour. Quebec took 199,816 barrels, Nova Scotia 13,923 barrels, and British Columbia 27,719 barrels, and the people who can least afford it have to pay a tax of 75 cents a barrel on flour because they cannot grow their own wheat. That is practically what it means, because the duty of 50 cents did not keep the flour out. It will not keep it out now, even if the duty were increased to $1. They must have it and they will get it in the most convenient market. It cannot in any way affect the farmer who produces wheat in excess in this country. We exported last year only 131,181 barrels of flour. Our crop was not as good as usual, and therefore the quantity was less. Now, coming to some more farmers' items, let us take apples and fruits. A good deal has been said about the fruit-growers requiring protection. The Americans also have increased the duty on apples; either we have followed their example or they have followed ours. I think we have followed theirs, because the McKinley Bill was down first. We have been rapidly coming to the front in the export of apples; in Nova Scotia and Ontario more particularly, the quantity of apples exported has been increasing from year to year. Of apples, which were on the free list last year, we imported 70,000 barrels, at a value of $138,000. Now those apples came in at a time when Canadian apples were not ripe, in July and August, when the early apples of southern New York were ripening, and we got the benefit of that crop. Later on we sent apples to the United States. I find that last year the export altogether of apples was 771,971 barrels, worth $1,528,449. But the fruit men are told that they are given protection on their apples. Now, is not that fallacious? Is it not disappointing if they understand it properly? You are simply taxing an article that is most essential, from a health point of view, at a period of the year when everybody needs apples, in July and August, before the Canadian apples are fit for use. The same argument might be used with regard to the minor fruits and berries. I have marked a great many other articles, but the House does not seem to be anxious for this debate. It was to some degree anticipated yesterday on some of the items, and therefore I do not propose to continue it, but I thought it my duty to call attention to this particular portion of it which my hon. friend the leader of the House alluded to as being in the interest of the farmer, and I think I have shown very clearly that so far as the farmer's products are concerned it does not give him that relief he might expect. There is no way that the Government can give him relief. His market is not the home market—it is the open market of the universe. In a great country like Canada, essentially an agricultural country, you cannot stimulate the value of the products of the farm by enlarging the home market; it is not possible, because, as I have shown from the figures, our exports are so large, so enormous, that the market that governs the price is the market abroad. I suppose this increased taxation will go on for a few years longer. The farming community may possibly wake up and discover that the proposition to benefit them under this new Bill is not one which will have any satisfactory results. It is admitted that the farms on both sides of the line are very heavily mortgaged. I do not know much about the Provinces outside of Ontario, but I know that, so far as this Province is concerned, the loan companies own a

very considerable proportion of the farms. I know that owing to the large amount of mortgage indebtedness the value of farms in this Province has fallen at least 25 per cent. I do not hesitate to say that, with some knowledge of what I speak. I know, in making loans on farm lands in the last year, loan societies of all kinds have found it necessary to scale down the valuation, and the value of farm property to-day is not as high by 25 per cent. as the valuation of six or seven years ago, and therefore the farmer gets no advantage whatever under this new tariff. It is said that it is to his interest, as was stated by my hon. friend in introducing the Bill, but it is obvious that it is a fallacy—that it can give him no relief whatever; that the only relief that can be given him is to reduce his taxes, to give him his cottons, his woollens, his farming implements and machinery at a cheaper rate. This is an agricultural country, and our laws ought to be conceived in the interest of the agriculturist. If we desire to make agriculture prosperous we have got to lay down our fiscal policy on those lines. As far as the other great industries of the country are concerned, they will flourish under any policy: you cannot keep them down. There are certain industries that are indigenous to Canada that will flourish under any policy. The lumber trade, for instance, is developing day by day, and making those who are in it rich—is conferring wealth upon all the sections of the country where it still exists. The value in gold that we get for our lumber every year amounts to from $22,000,000 to $27,000,000; the agricultural products make up some fifty or sixty millions of dollars. If you take away those two industries you have nothing left but the fishing industry. Canada's exports range from year to year from $85,000,000 to $95,000,000, and are made up chiefly of the articles I have adverted to. You may tax the people of this country to a certain extent in order to sustain a few manufacturers—that is just what you are doing. You are taxing the farmer, the artizan and the laborer in order that some 15 per cent. of the population may be enriched. I quite admit that the urban population of Canada is growing rich, but it is at the expense of the rural population. Take Toronto, Montreal, and other cities of the Dominion: they have increased in wealth and prosperity—there is no doubt at all about that.

HON. MR. POWER—No; not Halifax.

HON. MR. SCOTT — Where manufactures exist they have increased largely, and that is due entirely to stimulations. You can stimulate manufactures so that one particular section will derive an enormous benefit; but you cannot, in a country like Canada, so arrange a fiscal policy that it will give all an equal share of the advantages of that policy. I ask hon. gentlemen what right has Parliament to tax 85 per cent. of the population for the benefit of 15 per cent.—on what principle? Is it a just law? It is neither just before God nor man. It is not a proper law. The taxation might just as well be direct. You might just as well say that 85 per cent. of the people should be assessed so much for the benefit of the other 15 per cent. That is the effect of protection on the other side of the line. Surely we cannot be blind to what is taking place there. Are the artizans, the laborers and the farmers sharing in the great wealth of that country? Is not the effect of the law there to make the rich richer and the poor poorer? It is perfectly evident that that is the result, and it is quite clear that enormous fortunes are being made there under a protective policy at the expense of the great mass of the people. I think it is unfortunate for Canada to have followed up those lines. To my mind, we will not escape from it until the people are educated, and perhaps it is for the best; if they have to get the dose they had better get it in large quantities. I think it would be better, and I can see bright visions for the future, if the tariff had been doubled. If it is good to put on 35 per cent., why not put on 70 per cent. or 100 per cent.? Why not increase the tariff if taxation will do good? In 1878, on an importation of $80,000,000 we paid $12,000,000 duty; on the same importation ten years later we paid $22,000,000. If your prosperity is due to that, why do you not double the taxation? It cannot be possible that the same results will not follow if the argument is a sound one: but from my standpoint, the more taxes you put on the better, because the quicker will the people be undeceived, the sooner will they arrive at the conclusion that the great object of taxation ought to be to raise a revenue for carrying on the

government. The policy should be taxation for revenue, not taxation to make a comparatively small number of the population rich at the expense of their neighbors. That is the object of the protective policy; it cannot be denied—it cannot be said that it is to increase the trade of the country and build up local industries.

HON. MR. HOWLAN—I am sorry to detain the House at this late period of the Session, but the speech of the hon. gentlemen from Ottawa is just a *fac simile* of the one that we had the first day of the Session. When he has sufficiently belittled and abused his own country he flies off to the United States, and tells us that protection has destroyed that country also. It so happens that the neighboring nation of 60,000,000 people has been agitated from Maine to California on this very subject. Some of the ablest men of the country have been discussing the question, and what has been the result? The Government that was in power has been removed to make way for a strong protectionist Government. Are the majority of the people of the United States unwise, and is it to be supposed that our hon. friend from Ottawa has more wisdom than all the public men who constitute the Government of the United States? If that is the case, although we would be sorry to lose him, his best plan would be to go to the United States and educate the people—teach them that the course they are pursuing is leaving them in poverty and distress. It is a known fact that the public men of the United States have as much patriotism as any public men in the world. For a long period they have thoroughly discussed this question of protection and free trade, and they deliberately adopted a policy of protection. But they have carried it out consistently, with the result that they now rank among the first manufacturing nations of the world. It is true that the British flag floats over 85 per cent. of the shipping engaged in the carrying trade of the world. Why is that? Because the United States can employ their capital in the products of their own country and get a greater interest from it than can be got from the construction of ships. England builds her ships cheaper. It is no use to tell us that in new countries like Canada and the United States the course that England is now pursuing is one that we should follow. It is a matter of history that the manufacturing industries of Ireland and Scotland were destroyed by the protective policy that England maintained for a period longer than the age of this country or even of the United States. Having protected her manufacturing industries until they were strong, she adopted free trade to sell her products in the markets of the world. (A laugh.) The hon. gentleman from Charlottetown may laugh, I have heard him laugh before when he was far astray. What is the question that is now looming up in England? It is Fair Trade.

HON. MR. POWER—Nonsense.

HON. MR. HOWLAN—Yes; fair trade is looking up to-day, and the English manufacturers find that Belgium and other manufacturing countries are competing with them on equal terms. We have discussed this question in all its moods and tenses before. If we had heard this wail for the first time to-night we might imagine that Canada was suffering. It is a fact, if statistics prove anything, that even in Ontario the official reports prepared, not by a supporter of the National Policy or any officer of this Government, but by an officer of the Ontario Government who has gone through every part of the Province, that the country is progressing. I speak now with regard to the statistics that appear in Mr. Blue's reports. We are told that the farms of Ontario are lessening in value and that the farmers are unable to meet their liabilities—that, in fact, the farming industry of Ontario is suffering from an unparalleled depression, owing to the existence of a tariff that protects Canadian industries. If such an allegation can be clearly proved, it is the duty of the Government and Parliament of Canada to find a remedy. But when we examine into the facts furnished by Mr. Blue, what do we find? We find the following:—

Value of farm buildings in 1882	$132,000,000
Value of farm buildings in 1887	184,000,000
Increase	$52,000,000

showing an annual increase in five years of over $10,000,000 a year. No intelligent man need be told that farmers who are in distress are putting upexpensive buildings. As a general rule—it is almost a fixed rule

amongst farmers—they do not put up buildings until they are required.

HON. MR. McMILLAN—They are not for ornament.

HON. MR. HOWLAN—They are for use. Then we come to the implements. The value of implements in 1882 was $37,000,000, and in 1887 $49,000,000, an increase of $12,000,000 in five years, or an average increase of $2,400,000 a year. Does that look like depression? I think not. Then we come to live stock. In 1882 the farmers of Ontario possessed live stock to the value of $80,000,000, and in 1887 to the value of $104,000,000, or an increase in the value of stock in five years of $24,000,000—nearly $5,000,000 a year, and still we are told in this House that the largest and most populous of our Provinces is suffering from depression. But Ontario is not the only part of the Dominion which shows these evidences of prosperity. Let us now look at the total trade of the country and see if there is any evidence of depression or diminution in value. In 1888 the volume of our trade was $217,000,000, an increase of $7,000,000 over the previous year. The exports and imports of the country, therefore, do not show any depression. Take the statements of the banks and you find the same thing. It is as impossible for a stream of trade to run through a country without enriching it as for a stream of money to run through a business without more or less benefiting it. Here are the facts; they meet us on every hand. We find that the aggregate business of the banks is larger and that the aggregate trade of the country is increasing. What more convinciug proofs can be furnished than we find in the statistics of the country of the prosperity which prevails? Yet we are told that the country is not progressing, that the policy of the Government is to make 15 per cent. of the population rich at the expense of the other 85 per cent. Now let us take the statistics of the country for some years past and see whether the statements of the hon. gentleman from Ottawa are borne out by facts or not? The following is a statement showing twenty years of progress as indicated by our export trade:

—	Fisheries	Mines.	Forests.	Agriculture.	Animal Products.	Cattle.	Apples	Cheese.	Manufactures.
	$	$	$	$	$	$	$	$	$
Exports in 1868..	3,357,510	1,446,857	18,262,170	12,871,055	6,893,107	757,269	80,136	617,354	1,572,546
do 1881..	773,183	4,110,937	21,302,814	15,436,360	24,719,297	5,012,713	857,995	8,928,243	4,161,282
Increase....	132 11/100	330 97/100	16 41/100	26 52/100	480 48/100	567 p.c	166 p.c	1,345 p.c	164 p.c

Total production of coal, 293 p.c.
Total consumption of coal, 631 p.c.
Discounts of chartered banks increased from $50,500,316 in 1868 to $173,185,812 in 1888.

At six o'clock the Speaker left the Chair.

After Recess.

HON. MR. HOWLAN resumed his speech. He said: It would be well to look, in connection with this increasing volume of trade, to see how much, if any, money was made by the Dominion, and to gauge by other evidence whether the figures with regard to our exports are correct or not. For that purpose I have examined the material that we had to carry on this business to see if, in the twenty years, we had in any way increased our facilities for doing business. If I can prove that we had, that the increasing trade required a greater outfit with regard to railways, canals, telegraphs, telephones, &c., it will show that the business of the country has been increasing. I find that in shipping we stand third in the whole world with regard to our population as to the tonnage which floats on every sea. We have 7,142 ships, which aggregate 1,089,642 tons, and of these about 1,285 are steamers, with a tonnage of 207,142 tons. The aggregate trade of the last financial year was $217,000,000, or an increase of $27,500,000; our exports increased by

$5,500,000, and our imports $2,00,000. Our foreign trade is $41.40 *per capita*, whilst that of the United States is but $23. We had last year in operation 26,549 miles of telegraph and 4,343 of telephone, or in all 30,892 miles, which took for telegraphs 58,308 miles, and telephone 15,448 miles, or in all 73,756 miles. The Post Office deposits alone, in 1881 and 1886, have been nearly $18,000,000 in round numbers—these are the exact figures up the 30th day of September last, 1889. The amount of money in the savings banks was $19,852,747, and in the Post Office savings bank $23,760,592, making a total of $43,613,339, or about $8 per head for every man, woman and child throughout the Dominion. In this connection, I am proud to be able to say that we have about $20 per head for every man, woman and child in our Island Province.

I know it is said, with regard to these deposits in the savings banks, that they are not illustrative of the savings of the people, that in many cases they are moneys held in trust for children until they grow of age. I think I shall be able to establish, from a paper that was submitted at the meeting of the British Society in Montreal that such is not the fact—that a large proportion of this money is held by large numbers of our people, who may properly be called the industrial classes. The paper was read at the meeting of the British Association at Montreal by Mr. Cunningham Stewart, and from it I gather the following facts:—

"Farmers, 14,000; deposited, $4,722,000, averaging $337 each. Their deposits aggregate more than that of any other class.
"Next in value comes mechanics, 7,850; deposits, $1,422,000, or an average of $181 each.
"Trust accounts and children's deposits, 5,500; deposits, $170,000, an average of $31 each.
"Next comes clerks, 3,000, who deposit $174 each.
"Next tradesmen, 1,600, who average $293 each.
"Male servants, 1,470, $188 each.
"Professional men, 1,572, $249 each.
"Miscellaneous depositors, 1,680, $120 each.
"Married women, 1,200, $196 each.
"Unmarried women, 10,500, $120 each.
"Widows, 3,240, $214 each."

Again, the discounts of the chartered banks amounted, in 1868, to $50,500,316, which increased in 1888 to $173,185,812, an increase of $122,685,496, or an increase of 243 per cent.

Take also the deposits in the chartered banks: in the year 1868 it was $32,808,104, and it rose in the year 1888 to $112,860,700, or an increase of $80,052,506, or 244 per cent.

But we are told that during the twenty years our public debt has increased. True, we have a debt, but it is not like the indebtedness of the United States. The Republic expended $555,000,000 for the purpose of freeing the slaves. There were four millions of slaves, and the average cost per head of each slave that was freed was $700. In 1834 England freed the slaves in her colonies at a cost of $130 per slave. But our debt was incurred for useful public works, and if the assets that we hold were sold to-morrow they would be more than sufficient to pay off every dollar that the Dominion owes. During the recent discussions that have taken place in the United States on the subject of the trade relations between the two countries statements have been repeatedly been made by their public men that the debt of Canada had been so wisely incurred that there is something to show for every dollar of it. It would be well to see where the money represented by this indebtedness has gone. We spent on railways $103.142,392, on canals $32,847,148, on lighthouses and navigation $8,284,580, on the acquisition and management of the North-West Territories $5,356,035, on Government buildings and miscellaneous public works, $20,115,734—making, together, $169,745,889. We spent on railways and canals prior to Confederation $52,944,175, and on public works $10,690,917, making a total expenditure, for all these purposes, of $233,380,473. Now, suppose it was necessary for this county to provide within a very short period for the payment of all this debt, the revenue of the country in six years and a-half would obliterate the whole indebtedness, so that the question of debt, which has been used as a bug-bear to frighten the people, is not such a serious matter after all. In connection with this subject it would be well to compare our taxation with that of other countries. The taxation of the following countries is:

United Kingdom	$9.92 per head.
India	0.62 "
Cape of Good Hope	7.79 "
Natal	3.38 "
Canada	5.88 "
New South Wales	12.68 "
Victoria	13.56 "
South Australia	10.07 "
Queensland	18.37 "
Western Australia	22.03 "
Tasmania	13.05 "
New Zealand	15.31

Now, the Australian colonies occupy a position which corresponds somewhat with our own, and we find that while our indebtedness per head is but $5.88, the average rate of the Australian colonies is $12.79. It cannot be shown, therefore, that this country is in any worse position than the Australian colonies, and we have nothing to be ashamed or afraid of in connection with our public debt. It is not justice to the country to frighten the public on this subject. We find in the United States, where the debt is enormous, no public man speaks despairingly of the future of his country, or claims that the people are over-taxed. On the contrary, we find them boasting of the position their country occupies. I will presently quote the opinions of statesmen who have been connected with the Executive of the United States with regard to our public debt as compared with theirs, and I am sure that it will be a pleasure to all who, like myself, have been supporting the policy of this Government for some years past, to know that distinguished public men in the United States admire the tact and statesmanship displayed in the government of the country for the last few years. We have been told that while in Canada our progress has been slow, and the opportunities few, a different state of affairs prevails on the other side of the line. I have not found that to be the case. The growth of the leading cities of the Dominion, including the capital here, compares very favorably with the growth of cities in the United States, and the same remark applies to the development of the Provinces adjoining the northern and north-eastern States of the Union. In 1871 Quebec and the Maritime Provinces had a population of 1,953,931; in 1881 it had reached 2,229,723, an increase of 14 per cent. In 1870 the New England States had a population of 3,487,924, and in 1880 of 4,010,829, or an increase of 14 per cent. The State of New York in the same decade increased 15 per cent., whilst the increase in the adjoining Province of Ontario was 18¾ per cent. Minnesota increased in the same time 77½ per cent., whilst Manitoba, adjoining it on the north, increased 247 per cent. In 1812 the population of the United States was 8,000,000; in 1880 it was 50,155,683: it had increased 6⅛ fold. In 1812 the population of Quebec and Ontario was only 300,000; in 1880 it was 3,282,255: it had increased nearly 11 fold. So that looked at from that standpoint, I do not see that we have anything to complain of. We are told that the tariff which is now before us is exceedingly hard on the farmer. In framing the tariff for the Dominion it is necessary to find out what each Province produces for export, and to cultivate that or any industry suitable to the country. I have shown that the export of coal has increased very materially indeed, and contributes greatly to the wealth of the Province of Nova Scotia, though perhaps it bears hardly on Ontario. To meet that we put a duty on flour, which is produced in Ontario, and which goes to the Maritime Provinces. I was surprised to hear the remarks of my hon. friend from Prince Edward Island, with regard to the coarse grains of the country. The market for our Prince Edward Island coarse grains is New Brunswick and Nova Scotia. Some years ago we found a market for our surplus oats in France and England, but it is not so to-day. What would be the consequence to-day if we admitted corn free? To-day oats is worth in Prince Edward Island, 50 cents; at Toledo it sells for 29 and 30 cents. If corn were admitted free the people of Prince Edward Island would get very little more than 30 cents for their oats. They sell the oats in the markets of Nova Scotia and New Brunswick, to people who, if this duty did not exist, would be using corn instead. Before the ice disappears from our coasts we find oats shipped from Quebec to Nova Scotia and New Brunswick, and selling there at good prices. That could not possibly be done if we admitted corn free. We have in Prince Edward Island the Scotch system of farming, and we must necessarily have a very large amount of roots and barley. Now there is no better feed for hogs than potatoes and barley, and we have no market in the United State of any importance for barley, and still less in England. Our barley finds a market in New Brunswick, Nova Scotia and Newfoundland. These coarse grains would be better to feed to our own stock: but we are advised to sell those coarse grains and buy corn. The less a farmer buys and sells of anything but what he produces himself, and the less he hauls off the farm, unless it goes off on four legs, the better for him. Therefore, I say, with regard to Prince Edward Island, we must reap very large benefits from this

tariff, and we are a Province of farmers. Last year our large exporters of beef learned that cheap beef from Chicago was finding its way into the markets of the Maritime Provinces, and when the ice had cleared away from our coasts, so that we could send our cattle to St. John and Halifax, we were met with this cheap beef from Chicago. As a consequence, gentlemen representing that portion of the country laid their grievance before the Government and the Government very properly put on a duty on these meats. I was amused at the hon. gentleman from Ottawa speaking about that one sheep and two hogs, and asking why the duty was put on these animals by the Government. Clearly, it would have occurred to him as a business man that the proper duty of the Government under their policy was to place a duty on hogs, if only one came in. Last year they came in, not alive but dead; and suppose the course pointed out by the hon. gentleman from Ottawa was followed, that we put a duty on dressed beef and packed pork, and let live animals come in free, what would take place? We would have our American friends take their hogs and their cattle across the line to Windsor, slaughter them and pack them there without paying any duty. But the tariff provides that two or three kinds of corn, such as fodder and other corn used for ensilage, shall be admitted free and that oil cake for feed shall come in free, and I think in that way the farmer is materially assisted. But turning east for a moment, will any man who has been in trade for thirty years come to any conclusion but one on this fact. I never knew a time during that period that the farmer could buy so many manufactured goods for his money as he can now. Then he has a free breakfast table, and all these are things the farmer must value. What does this whole thing amount to? Last year $217,000 was paid on corn imported into this country. One portion of that corn was made into whiskey and the other was consumed as food. If corn had been allowed to come in free some gentlemen say that a great deal more of it would have been imported. It is a question whether that would have been the case or not. It is beyond all question of doubt, however, that the cheap beef that comes across our borders comes from the prairie sections of the western country. We have portions of Ontario where oats are not grown, and where the lands are more suitable for barley. The price of barley and the price of corn are about alike in that section of the country. In the same way, if we admit corn free into the Province of New Brunswick it would come into competition with our oats, and the farmers of Quebec and the Lower Provinces would be seriously injured by it. It is only another illustration, how closely the interests of the whole country are combined, and how carefully the tariff has been framed with regard to them. There is scarcely a thing that the farmer produces that is not taxed. Take condensed milk, fruits, jams, preserves, flour, pork, beef, mutton and all these things are taxed for his protection, and, as a consequence, the tariff, so far from being injurious to the farmer, is the very contrary. I say that there never was a time—I repeat it with a full belief that it cannot be contradicted—that the farmer can buy more for his money of the goods that enter into consumption in his family than he can to-day. In what way is the farmer injured by this policy? I fail to see it. He has more money in the savings bank. He has enlarged his domain in the way of building, buying stock, buying implements and furnishing his house, and has improved his circumstances in every way, and I cannot see how he is injured. The great bulk of the exports of the country are the products of the farm and the field. It has been shown that there was more difficulty in the early days of the National Policy with regard to the price of farm machinery. It is true that there was some difficulty in those days, as we employ a good deal of machinery. Perhaps there is no million of people in the Dominion who employ more agricultural machinery than the people of Prince Edward Island, and we also get our machinery from the United States, but now we can buy our machinery in Canada as cheaply as we can in the United States. The entire value of the wood, iron, steel and paint that enter into the manufacture of agricultural machinery is not very much, when the patent royalty is gone, and to-day you can buy machinery in Prince Edward Island as cheaply as you can in the United States. The hon. gentleman from Alberta has told us that in the

North-West the price of machinery, when they first commenced to use it in the North-West, was very high, but now there has been such a material change in that respect that you can buy machinery as cheaply in Alberta as you can in Ontario or the United States. But suppose the contrary to be the case; suppose there is a difference of a few dollars on a machine, how much better it is for us to be able to manufacture those machines for ourselves? It would be a capital policy if we could have free trade with the United States and no taxes to pay, and could live as they do down in the little Island of St. Pierre, on a 2½ per cent. tariff; but they have no railways, no telegraphs, no canals, or any of the conveniences of modern civilization, and I contend that we cannot have a progressive country until we are prepared to support it by taxes. I have never heard or read yet of any plan propounded by any of our statesmen to carry on the affairs of this country and come down to a policy of absolute free trade. There cannot be free trade in this country. It is out of the question, situated as we are, a group of Provinces where we must protect each other's interests and lay down a broad platform to carry on the business of the country. We are told that if we had a change of Government we would have free trade. If we had a change of Government to-morrow, does any man who has given the matter careful consideration believe for a moment that any party can govern this Dominion by a policy that would at once destroy the manufactures, destroy the banking and the general business of the Dominion? No man believes it. He may propound it as a theory, but he does not believe it as a practical policy; and if a new Government came into power to-morrow they would have to follow in the same course as their predecessors. I have had some experience in changes of Governments. In Prince Edward Island we had changes of Government. We were told some years ago by the Opposition there that if there was a change of Government the building of the railway would be stopped and the country would be saved from an enormous debt. There was a change of Government on that issue, and what did the new Government do? They built 67 miles more railway than their predecessors, in spite of all their protestations, and the people soon put them out, not that they did not believe that they should not have railways, but that they were not treated honestly by the party that attained power on that issue. We have the opinions of some of the leading gentlemen on the other side of politics that will some day, no doubt, assist in controlling the destinies of this country, that if they were in power to-morrow they would not interfere with the monetary and commercial arrangements of the country. No man who has ever had the responsibility of the Government on his shoulders would for a moment believe that the whole commercial and fiscal policy and machinery of Government would be upset by any party coming into power. On the contrary, they would have to tread very closely in the footsteps of their predecessors. It is believed beyond all doubt that had the Mackenzie Government taken up the question of protection when they saw that the people of the country were in favor of it, Sir John A. Macdonald would never have come back into power. When Disraeli saw that the people of England were in favor of reform he told his party that they had better take hold of the policy of their opponents and go in for reform, and that they would thereby continue to govern the country. So notorious was this adaptation of the policy of the Government to the wishes of the people that it gave rise to the expression that the Reformers had gone in swimming and the Conservatives had stolen their clothes. I am surprised to hear the hon. gentleman from Ottawa decrying the country, as we have often heard him do before There is no necessity for it. We have a great heritage in this country to hand down to those who come after us. I told you a few moments ago that I would read the opinion of a gentleman who has had something to do with the Government of the neighboring Republic, as to the future of Canada. This is what his opinion was, as delivered at a public meeting in the United States a few days ago. He was no lover of Canada, and he was speaking to a people whose ears it was not necessary to tickle. It was not for the purpose of gaining any popularity for himself, for he could not gain popularity from such a statement, that General Ben Butler, in delivering the oration at the closing exercises

of the Colby University, Waterville, Me., said to his hearers:—

"Canada has 500,000 square miles more than the United States, as her surrounding waters contain quite *one-half* of all the fresh water on the globe Please bear this fact in mind, for I repeat it is a foundation of the resources to make one of the greatest nations on earth.

"Canada has quite one-quarter more land for wheat cultivation than has the whole United States. The average production of wheat per acre in the United States in the year 1887 was a little over twelve bushels, while in the same year in Manitoba, where we hardly realise there is aught to support life, the yield was 12,500,000 bushels, at an average of twenty-seven bushels to the acre. Why should the lands be better wheat-producing lands than those of the United States? Because, he says, the climate is colder in the winter and hotter in the summer. I will add that Canada has more timber of every possible description than herself and the United States can need for 100 years. She has more iron and coal in her borders than any other country yet known in the world; she has more copper than any other country—if not all others."

That is the opinion of General Ben Butler with regard to Canada. I say we have a great country, a great heritage here before us.

HON. MR. POWER—Hear, hear.

HON. MR. HOWLAN—My hon. friend says, "hear, hear." I suppose he was taught in his youth to believe that there is no greater place in the world than Halifax, but I am glad to see that his views have broadened, and when the time comes that he will take his place as a member of the Government of this country, as in all probability he will at some future day, I trust that he will fully appreciate the responsibilities of the position, and will follow in the footsteps of the present Government in endeavoring to develop this great dependency of the British Crown.

HON. MR. HAYTHORNE—The speech which we have just heard delivered by the hon. gentleman from Alberton is certainly one intended to glorify the prosperity of Canadian manufacturers and Canadian interests generally. While not detracting in any way from the merit of Canada and the advantages and resources of Canada, I may say this: Notwithstanding the hon. gentleman's glorification, there was, in the course of his speech, some strange anachronisms. For example, speaking of Prince Edward Island, he said that in that country the less that was bought and brought on a farm the better, and that whatever was taken off it should be taken off on its four legs. I remember well, when I first arrived in that country, that that was the maxim of the average farmer of the island. I have many of them in my mind's eye at the present moment who would contend for that doctrine still, and not only contend for it, but give practical evidence that they lived up to it. It was thought then that the most prosperous man would be the one who could make his own shoes, tan his own leather, and do anything from making a pair of boots to building a ship. None of those articles of domestic manufacture were of a very high standard quality. It is very likely that the boots were not very well made, the leather was not very good, and the ship would not register A1 at Lloyds. It is, however, a matter of surprise to me to hear the hon. gentleman, with all his modern experience, still advocating for Prince Edward Island the same old system which was in vogue there forty or fifty years ago.

HON. MR. HOWLAN—He does not do so.

HON. MR. HAYTHORNE—I think it would be a most extraordinary thing if Canada were not a prosperous country, a country with a large amount of maiden land unused hitherto, unoccupied, with great forests, fine water powers, and a population of fully five millions of Anglo-Saxons and men of French origin. To say that a country, under such circumstances as that, should not be in a thriving condition, would lead me to this inference—that there must be something wrong—that if it was not prosperous, it was owing to some false principle of Government which had befallen that country under which no country could flourish, and not that its natural resources were deficient or its people indolent. These are the inferences I would draw if certain statements made in this House within the last twenty-four hours were correct, and that Canada was in this evil condition that some gentlemen describe it. I should attribute it, not to the fault of the people, but to the laws under which they live. The hon. gentleman from Alberton alluded to the Australian colonies, and to various other colonies, pointing to the great burden of debt which they labor under; but the hon. gentleman did not state that the oldest of these colonies, New South Wales, is scarcely 100 years old, and we all know under what unfavorable circumstances that colony's early history com-

menced. Most of us know, who have taken any trouble to inquire, that the colony which has produced such enormous quantities of raw material for clothing was often in danger of starvation—that the population in the early history of New South Wales were not once or twice, but frequently, put upon short allowance, as we sometimes hear of when a ship's crew are nearly starved at sea and rations had to be doled out day by day of food and water in small quantities; yet New South Wales is one of the most prosperous countries under the sun at the present moment. The hon. gentleman spoke of the huge debts which the Australian colonies have incurred. That may be true; their debts may be large. At the same time they are quite able to pay them, without any serious drawback to their prosperity. Their flocks are increasing year and year, and the demand for wool is increasing with it. Take, for instance, the colony of New Zealand. There is a colony which depends not only upon its minerals and its forests and coal, but upon its fisheries and its cereals, and not on manufactures. The hon. gentleman alluded to what he calls coarse grains, but coarse grains have their value as well as high grades of wheat. I showed not more than twenty-four hours ago in this House that a first-class quality of barley will realise a higher price than a first-class quality of wheat in the London market, and I can show, if necessary, that a bushel of New Zealand oats bears a corresponding value to barley; and surely there is no great hardship in urging upon my fellow-colonists in Prince Edward Island and in Canada, too, the importance of improving their coarse grains. They can grow these things very well, and why not avail themselves of these high prices for oats and barley, and replace these so-called coarse grains in the economy of the farm with cheap corn, which, I have shown, is sold in Mark Lane for 20 shillings for 480 lbs. ?

HON. MR. HOWLAN—If you had free corn coming into Prince Edward Island to-day you would be getting only 30 cents for oats, whereas you are now getting 60 cents.

HON. MR. HAYTHORNE—I admit that the price of oats is high there at present, and the reason of that is that last season oats were an exceptionally short crop. I should not be the least surprised to see them go higher still as seed time advances. A very large portion of the oat crop last year was spoiled by rust, and I have made it a matter of communication with the director of the Experimental Farm here to see if he can throw any light on the subject which so strongly affects the agricultural interests in Prince Edward Island, because it is not the first year that rust has occurred, and I think it is a legitimate subject to call the attention of the officials of the Experimental Farm to. If we can place before our cattle Indian corn at 20 shillings a quarter, the price at which it is delivered in London, and if we can pay for that corn by selling our coarse grains of a higher quality, which I know we are capable of producing, I think the exchange would be very much to our advantage. Moreover, we should have this further advantage, that we should be able to ripen our own stock to such perfection that they would secure the highest price in the English markets. I believe myself that the difficulties which have been thrown in the way of free trade on this continent are exceedingly great. The public mind has been led away in a totally opposite direction. The public mind of Canada is now in about the same state that the mind of Scotland and England was when Adam Smith wrote that it was next to impossible to introduce absolute free trade into England, because there were so many interests involved against it. To reconcile all these difficulties was, he considered, almost hopeless. Still, the time came, and the man, and the thing was done. And now coming to the hon. gentleman's remarkable assertion, which, by-the-by, is very frequently made, but rarely supported by arguments or facts, that England maintained protection in her own midst until she was well able to stand against foreign competition, it is an assertion, I maintain, that is a complete mis-statement of facts. My memory carries me back sixty years. Sixty years ago I was a lad of 14, living amongst the laboring classes, knowing their circumstances. I have visited their homes, and have seen how they lived and know how they have progressed. I know what they were under protection—for please observe that protection in England meant protection to agriculture, to growers of corn, dairy produce and cattle. It extended

also to ships and shipping, and some other articles, but was not specially intended for manufactures. Manufactures were a later outcome, but the protection in that day was intended to keep up the price of wheat, and of the food of the nation. Where would England have been with her increased population if she had nothing but her own productions to maintain her? I know very well, and could, if time allowed, point the hon. gentleman to a debate in the House of Commons which occurred in the early part of this century, where a member of Parliament stood up in his place and boldly asserted that if the country could not support itself under its present circumstances it ought to be made to do so, and that under no circumstances short of actual famine should the introduction of foreign food be allowed. Would her population be alive now under such a policy? She would not have anything like the population she has now if that principle had been carried into effect. I would remind the hon. gentleman that at the time he speaks of, antecedent to the adoption of free trade, England in its agriculture, its manufactures, and its whole domestic economy, was in a most miserable state. I can speak of that partly from my own experience, and I can refer hon. gentlemen to standard works to demonstrate it.

HON. MR. HOWLAN—Any time you give me a fair apportunity I will give you my authority for every statement I made.

HON. MR. HAYTHORNE—At the time I speak of, when my attention began to be directed to this state of things, the condition of the laboring population in the agricultural districts was most disturbed. They had been living on 8 shillings a week, which scarcely afforded them the most miserable pittance of food. I can refer hon. gentlemen to Lord Malmsbury's memoirs, in which he records the fact that he, as commanding the volunteers, was called out to put down a disturbance of machine breakers amongst the agricultural laborers. They were so deplorably ignorant at that time that they used to burn grain stacks and break threshing machines, because they had the idea that the machines would put them out of employment with their flails. If you want to get at those things more particularly, take the food of those men, their clothing, their houses, their education, and all that makes the man, whether he is a laborer or a peer, and compare their condition in this respect during that protection period with what they have had the last twenty years, and see if their condition is not vastly improved? There is not a political economist who has ever ventured into print, who has not pointed to these facts as illustrating the greatly improved condition of the laboring classes and what has led to it. I know that in my young days it was considered quite a sufficient education in the rural districts when a laborer could read his Bible and sign his own name, but figures he was not supposed to need at all. That was the education that was considered sufficient for the agricultural laborer and his family in those days. But now it is quite different; their education is now, if anything, a little above their station. Then take their clothes in those days of protection; a linen smock frock, a clean one for Sunday, and lasting through the week at all occupations, a heavy pair of boots, with iron enough on the soles to shoe a colt, his corduroy small clothes, his leather gaiters, a cotton shirt and round felt hat, were about the dress of the agricultural laborer in the south and west of England in those days; and the dress of the females of his family was even more grotesque and uncomfortable. Their food was of the very meanest description. Sometimes the farmers allowed them, at a cheap rate, bags of inferior wheat, which they ground for their food; and skim milk cheese, that the boys amused themselves sometimes by cutting into pegs and driving them into the barn doors, was their principal supply of animal food. But what do we find now? We find them well clothed, enjoying much better wages, pretty well educated, and well fed. They are not, at all events, constrained to pay higher prices for their food or clothing, or anything else which their means enable them to acquire by the consideration that that the Custom house interferes to take its toll before they can enjoy these things. I am sure that many members of this House can recollect that saying of Peel, who, when he had repealed the corn laws, and was about taking leave of Parliament, as it turned out, forever, because shortly afterwards he met his death, and those words of his should stand as words of warning to all those who stand up like the hon.

gentleman, with his great intelligence, to advocate the permanent establishment in Canada of such a system as they have long since discarded in England—a system under which there was starvation and misery. Such a system as that the hon. gentleman stands up for, and with his great intelligence advises us to adopt in Canada.

HON. MR. HOWLAN—We have adopted it.

HON. MR. POWER—He does not mean it.

HON. MR. HAYTHORNE—But there are other things that that hon. gentleman is conversant with. He knows a good deal about ship-building and kindred trades, and I only regret now that he has fallen into a union with a party who have cramped his intelligence and diverted his experience into a channel which will not lead to such prosperity as we might otherwise have if the country had an opportunity of benefiting by it. Take the ships of those old days: what were they like? How long did they take to make a voyage to the West Indies and back? We know that strong-built oak ships as they were consumed half a year in a trip to China and back. And so with a trip to the West Indies, with their canvas spread and wind favorable, they would make at most 9 knots an hour. They were very suitable in some respects to the purposes for which they were intended, but what were they compared with the vessels of the present day? When the hon. gentleman talks about England having maintained protection until she was able to compete with the world, her shipping alone is an evidence to the contrary. Those ships were built of the grotesque form which some of us remember, with their bluff bows, high bulwarks, and decks which are rarities now, and these very ships were the outcome of the navigation laws and the method of measurement which prevailed in those days. But what circumstances led to a change in this state of things? The East India Company's charter expired, and very wisely Parliament had from the first declared that no charter should be granted to that company extending over a long period of years, so that at comparatively short intervals it had to come to Parliament for a renewal. It came once within my recollection before the final change from a commercial company to the great Empire. Before that one of the renewals entailed upon the company the abandonment of their exclusive privileges eastward of the Cape of Good Hope, and the consequence of that was the introduction of what was called Free Traders' ships, built for the China trade. This was the initiation of the improvement in British ship building. I have been on board one of those old vessels myself; I have been on board a sugar ship, and have seen such things as I have described. Of course, there was competition with the United States for the American liners, but the English race are exceedingly persevering. They may be defeated in some manufacturing process. They may be defeated in ship-building, and in a very great many ways, but eventually they come to their proper minds, and bend their whole force and skill to ensure success, and, as yet, under God's blessing, they have generally been able to accomplish it.

As I said, I have no wish to occupy the time of the House, and had no idea that I should even address you at such length as I have done. I simply wished to point out a few discrepancies, as I considered them, in the hon. gentleman's speech; and though he made a brave challenge to anyone who would stand up and advocate free trade here, he has by no means convinced me that the principles of free trade are false. I know perfectly well, from the American press and from articles which we see in all directions, that the principles of free trade are growing in spite of all opposition. Self-interest and all those causes which lead Governments to support protection have their force, and no doubt very great force; but for all that the principles of free trade are making their way, and sooner or later will prevail. I do not at all wish to be identified with any such thing as the absolute removal of Customs duties. That is not the point at all; it is a misunderstanding of the idea of free trade, because we cannot hope that the country in these times will be in a position to do entirely without revenues derived from Customs; but there is a very wide difference between Customs imposed for the sake of revenue and Customs imposed for the sake of protection. I myself would congratulate any successful Canadian manufacturer with the most cordial sincerity. There is nothing I would be more

glad to be able to do than to take any manufacturer or his employés by the hand and say: "I rejoice in your prosperity;" but I could not do that so long as that prosperity depended on tolling the wages of other classes of the community.

HON. MR. REESOR—I wish particularly to refer for a few minutes briefly to what the hon. gentleman opposite (Mr. Howlan) has said about the growing prosperity and increasing exports of Ontario. He seems to be reading from Mr. Blue's report on the industries of Ontario. On referring to that report I find that instead of there being an increase in the production of horned cattle there has been an actual diminution from 1882 to 1888, the date to which this report is brought down. I find that in 1884 the total number of horned cattle was 1,925,000; in 1885 it was 1,976,000; in 1886, 2,018,000; in 1887, 1,948,000, and in 1888, 1,928,000, so that instead of a gain there has been a decrease. Instead of increasing in proportion to the increase in the number of farmers in Ontario they are actually diminishing. Now, we will take sheep. They show a falling off also, the ratio being, comparing 1888 with 1884, as 5 is to 7. It is easy to explain the cause. When the duty of 3 cents a pound was put on wool the farmers were told that they were being protected and that the price of wool would increase. The Americans at the same time had a duty on wool, but all the finer wools, the Cape and South American wools, used in making tweeds and good cloth, were allowed to come in duty-free, to give the manufacturers a chance. The duty so stimulated the manufacturers that they went to work and put up too many factories, and some of them are now being wound up. Men that went into the industry worth forty or fifty thousand dollars are now not worth a dollar. They had been lead to believe that they would find a market in Canada, but there had been already as much manufactured as could be sold in the Dominion. They tried to further stimulate the industry by barring out the manufactures of England. They have to a large extent succeeded in that, but still they are overdoing it. There is no use stimulating an industry to such an extent that it will not bear competition with the world. That is the great mistake that the Government have been making for the last twelve years. It is wrong and unpatriotic to do so. If I have been in favor of protection it is only where it could be incidentally applied. I have always been willing and favorable to applying duties upon such articles—that is, to the extent that the revenue of the country required—as might be produced here. I never thought it made a very great difference whether these duties were put upon articles imported as food, or whether they were put upon articles that we might manufacture, to the extent of the necessary revenue, and to give a moderate encouragement in that way incidentally in favor of manufacturing. I never saw any objection to it, and I should favor that policy still; but when they put duties upon articles at the rate they have been doing here for the last eight or ten years it makes it ruinous to men who were comfortably situated and had money that was productive. It stimulated them to go into business that could only pay for a few years, if it paid at all, and I know some who went into the business of manufacturing woollens two years ago who to-day are bankrupt. That is not a kind of thing that we should encourage. But I do say that it is a greater folly and more unpatriotic to encourage a farmer to believe that he will get rich by imposing duties upon his own products; it is a mere fallacy, mere moonshine, a deception and a snare, in order to induce him to vote in a certain direction and to impose high duties on manufactured goods. There is no doubt it has had that effect, and the farmers are gradually beginning to see it. Not more than one farmer in five in Ontario keeps sheep. The unwashed wool, sold in the ordinary way, does not bring more than from 10 to 14 cents a pound, and if it is washed it only brings 18 cents, where it used to bring 28 cents. The price of wool going down, and the unwillingness on the part of the Government to negotiate terms of reciprocity when, I am satisfied, there has been an opportunity to do it—the anxiety to evade all trade with their neighbors, will result, as it has already to a certain extent resulted, in keeping that duty on our sheep, and to prevent our getting into the American market, even with our mutton sheep. If we do not get into it with the wool we ought to get into it with

the animals themselves, but if this war of tariffs is continued the result will be that it will be absolutely necessary for us to change our products almost entirely.

HON. MR. OGILVIE—No.

HON. MR. REESOR—It will require us to change them to a large extent, because if we cannot send them to the United States we must send them to England, and consequently we must raise what we can sell in England. We are told that we can sell horses in England; we have not got the kind of horses they want. They sent out agents here who went all over Ontario and Quebec to try to buy a few horses, and what did they accomplish? They did not get enough to pay them for the trouble of coming out. We have not the kind of breeds that can be sold profitably, and the price they were paying was not very high. Our heavy dray horses were bringing a better price in the neighboring market, better than we could get from the English buyers. Now it is a very serious thing to have to change the character of your products. This continual tinkering with the tariff and neglecting to make such a tariff as can be kept permanent and advantageous to the country is a source of loss, whether it regards manufactures or the products of the farm. But my hon. friend was not satisfied to refer to what Mr. Blue says in regard to the increase in stock and wealth of Ontario, but he claimed that there has been a great increase of exports and a great increase in the trade of the Dominion within the last twenty years. In our own blue-book we find that instead of increasing our trade with the sister colony of Newfoundland that trade has been diminishing. Twenty years ago our trade with Newfoundland was $4,609,552; in 1889 it was only $1,791,496. That is the kind of prosperity we are enjoying. You may want to know where that trade has gone to. We find in our own Canadian blue-book that the shipments of the United States through Canada—we have been made the carriers to Newfoundland—shows that the Americans have largely sent into that market breadstuffs, meats and other articles that Canada ought to have been able to send them; they have sent them $859,302 worth, showing that we are not keeping up our trade with the nearest of our sister colonies, yet we are borrowing money and offering large bonuses to establish a trade with the Australian colonies, while at the same time we are taking the very course that will defeat the object we desire to accomplish. I understood the hon. gentleman to say that our exports have increased since the National Policy came into operation. I find that in 1873 our exports were $89,789,000, while in 1889 they were only $89,189,167. So that the whole argument of my hon. friend to try to show that the trade of the country is increasing falls to the ground. The only increase we have had, to speak of, might be in fish and in agricultural products, but the aggregate has rather diminished in the last thirteen years. Now, perhaps you will say that we cannot draw a fair comparison between Canada and the United States: I do not think myself that we can. The United States having a large population and a great variety of climate and products, and an immense immigration, has an advantage over all other countries. Within twenty years they have almost doubled their population, very largely by immigration. It is to be expected that that large influx of population would bring a great deal of capital into the country, wealthy men going in as well as poor men. But we have an illustration, to show the folly of excessive protection, in the comparison between two of the Australian colonies, Victoria and New South Wales. Victoria has been protecting its manufacturers for the past twenty years; New South Wales has proceeded on the principle of free trade. In 1866, when Victoria adopted a protective tariff, her population was 636,982; her sister Province had only 431,412. Now let us see what the increase in the two colonies was in 1886. Victoria had a population of 1,033,052, while New South Wales had grown to 1,030,722. During those twenty years New South Wales not only continued to increase in population, but to increase in her trade, in her exports and imports, in her revenue and in her wealth, in every particular. The conclusion arrived at I will give in the words of a writer on the subject:

"To sum up, the protective colony is behind in growth of population, behind in wealth, behind in revenue, behind in imports and exports, behind in shipping, behind in number of manufactures, behind in horse power of machinery, behind in value of plant and machinery, behind in number of letters, telegrams, newspapers conveyed through the post, behind in wages, behind in consumption of luxuries, has more

insolvencies and a greater pressure of taxation, and finally, nearly the whole body of Victoria manufacturers are dissatisfied with their present position and are eagerly looking for an increase in the amount of protective duties."

That is the experience they have had there. There are two colonies situated about alike; both have valuable lands, both have gold mines, only those of Victoria are more valuable; but in other respects they are on an equal footing, possess the same climatic advantages, yet the free trade colony has progressed 50 per cent. better as regards population than Victoria, and it has gained more in every particular. Now, when we get examples like that we ought to consider what would be the effect of what we are doing here ourselves. One gentleman, who has had long experience in politics, tells us that the little colony in Prince Edward Island would be ruined if we had free corn admitted into this country—that the farmers of Prince Edward Island would not be able to get 50 cents a bushel for their oats; and he seems to rejoice over the idea that their neighbors in New Brunswick are compelled to pay 50 cents a bushel for oats because a duty is imposed on corn. Is it any wonder that the New Brunswickers do not feed their stock and fatten beef, mutton and pork enough to supply home consumption, and do not raise wheat enough to supply their own people? I was told yesterday, when we were debating another question, that every farmer should raise on his farm what he feeds to his stock. That gentleman did not seem to know that some farmers have land that will raise valuable crops, such as fall wheat, and to compel such a man to feed fall wheat to his stock would be an absurdity. Let him sell his wheat at from 80 cents to $1 a bushel, and have the privilege of buying corn at from 32 cents to 35 cents a bushel, which he could do to-day if the duty was removed, and he could keep more stock than he possibly can now. It must be borne in mind that whatever stock we feed must be fed in such a way that we can sell it as cheaply as our neighbors. We cannot do it if we are compelled to feed a more valuable grain than the Americans use for feeding their stock. It is impossible; it would be throwing away money. We should be allowed to have the cheapest raw material to make our beef, and then we can compete with the world, as we are now trying to do. That is what we ought to do. Our woollen manufacturers get their wool free of duty from any part of the world where they choose to buy it; our cotton manufacturers get their raw material duty-free from any part of the world, but our woollen manufacturers are not satisfied to get their wool free, but they want to get free shoddy, and they get it and work it into their goods, in order that they may have a bigger profit. But they are struggling in a market that is filled up, and where is going to be the outlet at the rate their goods cost them under a system of protection? They are not prepared to compete in outside markets. I am in favor of encouraging factories as far as they can be encouraged, so that the moment they have a surplus they could get rid of it in the markets of the world and not suffer the depression and the loss of the use of all the machinery they have invested money in, and I want the same principle to apply to agriculture. Instead of that, they give us the miserable pretence of protecting agricultural products, as they did some years ago, when they imposed the duty on barley. We do not want to buy barley; we had barley to sell at that time, and were selling from eight to twelve million bushels a year for export; yet they put a duty on barley, for fear that barley might be imported into the country. Our neighbors wanted all the barley we could spare—they want it still. It was mere clap-trap, and the farmers begin to understand this. The intelligent farmers have held meetings which have been attended by representatives from every county in Ontario, and they have declared, without distinction of party, in favor of the admission of corn duty-free, in order that we may compete with our neighbors in the English market. But, as I have shown, there has been a falling off in the production of beef, when there should have been an increase; there has been a large falling off in the production of sheep, when we ought to have an increase in sheep. Give us the raw material, just as you give it to the manufacturer of cottons and woollens, and we are ready to compete in the open markets of the world, and instead of going on for ten or twelve years without increasing our exports we will go on and double them. Our exports of the products

of the farm, which now amount to thirty-seven or forty millons of dollars, would in a few years be fifty millions of dollars. Only give us fair play and we can show what can be done.

HON. MR. MACDONALD—I do not intend to make a free trade speech: I will confine myself to a few of the articles which affect closely the interests of British Columbia. I should like to call the attention of the Minister to the subject, with a view to having a remedy provided, not now, but at some time in the near future.

As a supporter and believer in the present fiscal system of the country, I regret very much having to give my disapproval to the increased duty on some of the staple articles of food largely imported in British Columbia—otherwise I believe firmly that the present policy has been most beneficial to the best interests of the Eastern Provinces of Canada. At a critical time it raised the country from depression and despondency to a state of confidence and to an improved condition of things—it liberated capital, and gave it assurance and confidence; it opened up avenues for investment and created new industries, giving employment to thousands who would have been idle, and would have left the country. These are some of my reasons for believing in the present policy, provided always it is kept within reasonable bounds. Taking the fiscal system altogether, and the Canadian Pacific Railway in connection with it, British Columbia has made very satisfactory progress since its inauguration and the completion of the road. Holding these opinions, then, I repeat my regret at any deviation from the previous scale of duties on these products I have named.

It is not easy for British Columbia to reach the ear of the Executive, or to bring such weight to bear as will influence a modification in its intention, by reason of our limited representation and having no voice in the Executive. The freedom of discussion allowed in the House is the only means I have of expressing my opinion—and I should consider it a betrayal of a sacred duty did I fail in pointing out where the legislation of this Parliament bears heavily and unequally on a large number of the people of my Province. I fully recognize that the less populous Provinces must give a loyal adherence to the policy most beneficial to the more populous, and more commercial Provinces, and loyal also to a general trade policy adapted to the whole Dominion. I would not, therefore, have raised my voice on this occasion if the public trade returns of the country indicated any necessity for an increase in the duty on horned cattle, sheep, pigs and flour. But quite the reverse is the case; and I think I will be able to show that the eastern Provinces require no further protection to keep foreign cattle out, and that British Columbia must continue to import for some years. If 20 per cent. did not keep American cattle out, 30 per cent. will not do it, but imposes an additional tax on the people of 10 cents on the dollar. This will bear doubly heavy on us this year, owing to the large loss of stock last winter on the Pacific coast, which has raised prices, and the duty on top of that is not a pleasing prospect. The importation of cattle and sheep into all the Provinces except British Columbia is equal to three-quarters of a cent per head of the population, whilst in that western Province the importation is equal to 125 cents per head of its population, and it is now proposed to make the disproportion larger. Surely there is no occasion for extra protection where the injury—if an injury—is only three-quarters of a cent per head. Such being the case—and in the face of a large surplus revenue this year I cannot give my approval to an increase in duty on bread and meat, the staple articles of food, which touches the poor man heavily. Had an increase in revenue been necessary this year—which it is not—but if it had been, and had it been placed on silks, satins, cigars, wine and spirits—the luxuries of those who are well-to-do—I would not have found any fault with that. But as the duty now stands on those articles to which I have objected, it will operate as I have before mentioned. I will take up, first, the question of cattle, sheep and pigs brought into the different Provinces:

Ontario—No horned cattle.		
do sheep, value.....	$ 15.00	
do pigs.....	10.00	
do other animals....	5,469.00	
		$ 5,494.00
Quebec, pigs	$15,942.00	
do other animals....	2,573.00	
		$ 18,515.00
New Brunswick, pigs..		5.00
Nova Scotia, pigs.....		11.00

Manitoba, horned cattle	$ 3,332.00	
do sheep	13,384.00	
		$ 16,716.00
Prince Edward Island—		
No importations.		
Western Territories, horned cattle	$ 520.00	
Western Territories, sheep	5,456.00	
		5,976.00
		$ 46,713.00
British Columbia, horned cattle	$17,907.00	
do sheep	63,037.00	
do pigs	21,034.00	
do other animals	5,236.00	
		$107,214.00

This statement, from Government returns, shows conclusively that these Provinces do not require further protection, and shows also that British Columbia imported more than double the value in live stock imported by all the other Provinces, and shows the enormous proportion of taxation borne by the Pacific Province. I will refer now briefly to the importation of wheat to show that the reasons given by millers for raising the duty on flour are without foundation. If they pay the duty on wheat imported ground, then they might with justice ask for an equalization of duty. I wish to show this House that this country has paid no duty on wheat, and that if the duty were $10 per bushel it would make no difference to the millers of Canada.

HON. MR. OGILVIE—I would like you to prove that.

HON. MR. MACDONALD—I will prove it by the Government returns.

Wheat importation for the year ending June, 1889:—

	Value.	Entered for consumption.	Duty.
Ontario	$ 346,553	$4,803	$720.70
Quebec	1,342,191	71	10.65
New Brunswick	6	6	0.60
Manitoba	180	180	12.80
Prince Edward Island	.....	.....	0.15
			$744.18
If that wheat had paid duty it would have been equal to $255,000.			
British Columbia	7,561	.....	$1,524.23

It will be seen that British Columbia paid double the amount of duty on wheat paid by all the Provinces. I challenge the hon. gentleman to say that this is incorrect.

HON. MR. OGILVIE—I say it is incorrect, because there was more money than that paid by one firm.

HON. MR. MACDONALD—It will also be seen that it would make no difference to the other Provinces if the duty were $10 per bushel instead of 15 cents, as all the importation, excepting a small fraction, was ground in bond, which is really a loss to the country. The staff of officials employed to attend to this bonded wheat must cost a great deal. So that the argument as to equalizing the duty on wheat and flour has no real foundation in fact. It would make no difference to the millers, who grind in bond, if the duty were $10 a bushel. The following are the amounts of duty paid on importations:—

Of flour of wheat, flour of rye and oatmeal—

	Duty Paid.
Ontario	$ 5,851
Nova Scotia	6,992
New Brunswick	1,767
Manitoba	883
Prince Edward Island	696
	$16,189
British Columbia	$15,075

It will be seen that British Columbia paid nearly as much duty on flour, excepting Quebec, which paid $100,024, as all the other Provinces. These figures show that there is no invasion in Ontario of the rights of millers: for that matter, the whole duty paid on flour in the Dominion is $131,288 only.

HON. MR. DEVER—I do not know that I have a word to say on the tariff, more than to point out that it is a great mistake to put such high duties on light wines. I believe that if a lighter duty were placed on light wines there would be a larger consumption of them, and a larger revenue would be collected. In fact, the duties on light wines at present are prohibitory. Parties who were in the habit of using those wines a short time ago really cannot afford to use them now, the duties are so high. On a case of wine the duty is not less than $8. People of moderate means, who used to have wines in their house, cannot afford to have them now; and instead of obtaining a large amount of revenue I believe the Customs Department is losing by their high duties. I believe it interferes with the consumption of a good article that might be used by men of moderate means. Hon. gentlemen know that the article of champagne is practically excluded by the outrageous duty. In pointing this out I do it for the purpose of showing that the gentle-

men who arranged that duty do not understand the trade. Even from a revenue standpoint, I hold that it is wrong, and I hope, at some future day, when the tariff is re-arranged, that the duty on light wines will be taken into consideration, with a view to lowering it. There is one other remark I will make, and that is with reference to the excellent speech made by the hon. gentlemen from Alberton. That hon. gentlemen spoke well, as he always speaks, but he made one remark that I think requires some explanation. He said that the greatest and best minds in the United States had adopted a protective policy. I believe they did; but what does that hon. gentleman say to the greatest and wisest minds of England having adopted the opposite policy?

HON. MR. HOWLAN—I say this to it: the first question the hon. gentleman has to settle is, whether the sixty millions of people of the United States are more intelligent or less intelligent than the thirty-six millions of England.

HON. MR. DEVER—I cannot suppose that they have wiser or greater minds in the United States than they have in England.

HON. MR. HOWLAN—Then you can draw your own conclusion about it.

HON. MR. DEVER—I wish you would explain it, because I think your speech is a good one, but when such contradictions as this are found in it, they weaken its force.

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

The House resolved itself into a Committee of the Whole, under suspension of the 42nd Rule, on the Bill.

(In the Committee.)

On the 8th clause,—

HON. MR. POWER—This clause is supposed to be, as I understand, a sort of compensation to the people of the Lower Provinces, and I presume to British Columbia, for the increased duty on flour. There is already a duty of 7½ cents on corn, and I was going to call attention to this fact, that this change of the duty will not really benefit the consumer in the Lower Provinces, or in British Columbia, to any appreciable extent.

HON. MR. MACDONALD (B.C.)—They do not import any corn into British Columbia.

HON. MR. POWER—They do in the Lower Provinces, but this duty will not benefit the consumer, because in the first place the corn has to be kiln-dried. Corn intended for immediate consumption does not require to be kiln-dried. Under this tariff it has to be ground by our millers, and it will practically benefit them, and benefit no one else. This enactment makes no appreciable reduction in the price of corn to the consumer. How are the Government going to tell whether Indian corn is to be consumed by human beings, or whether a portion of it goes to feed cattle, and why should there be a distinction at any rate? If farmers chose to feed cattle or poultry to a certain extent on Indian corn, why should a duty be put on that, any more than if it is bought to feed his family? I think that the Government should give some explanation as to why they have limited this provision in the way it is limited—why the Indian corn must be kiln-dried to be ground for human food; and why, also, Indian corn imported for the purpose of feeding cattle and poultry should not be allowed a drawback or be entered free from duty?

HON. MR. KAULBACH—I do not agree with my hon. friend in this.

HON. MR. POWER—I ask the Government for information why the thing was done. If the hon. gentleman has been instructed to reply for the Government, I will take his answer.

HON. MR. KAULBACH—Anybody can answer a question like that: It is in order to give the manufacturer of cornmeal some benefit. In consequence of having been deprived of this duty the mills shut down, and now they will be resuscitated in our Province. As regards corn meal being kiln-dried and ground in our country, it is nothing new. It is the only way it should come into our country in a shape to be ground. We know well enough that in Nova Scotia corn is regarded as being of great value for human food.

HON. MR. POWER—No.

HON. MR. KAULBACH—My hon. friend may despise it, but it is well

known that cornmeal in Nova Scotia is considered by all classes of society a valuable food, and if we can have the manufacture of this article, so much the better.

HON. MR. OGILVIE—There are large quantities of cornmeal shipped constantly to the Lower Provinces, and in cool weather, in spring and fall, it is often shipped without being kiln-dried; but when you ship it without being kiln-dried you take the chance of not having it sold in time; and if you get hot weather or a damp place to keep it in, it will sour. There are large quantities of cornmeal sold down there from Quebec. Why the words "kiln-dried" were put in I do not know, as I am not in the secrets of the Government, but I simply state the fact that to ship cornmeal any distance by sea, or even to keep it here for any length of time, you are not certain that it will not sour, and you have got to kiln-dry it, although the meal is not considered so nice an article for food after it is kiln dried as it is before.

HON. MR. POWER—I am much obliged for the information which the hon. gentleman from Lunenburg and the hon. gentleman from Alma have given, for the statement, apparently given on authority, by the hon. gentleman from Lunenburg, corroberates my own view. I thought this clause was intended for the benefit of the millers. I was satisfied it was so, and I am glad to know that in this farmers' tariff they are not forgetting the other classes—that the miller comes in here.

HON. MR. ABBOTT—I do not think the point is correctly stated. The Government were informed that there was a large quantity of Indian cornmeal used in the Maritime Provinces, and that this cornmeal was imported in a ground state; and for the purpose of encouraging the importation of it in the grain, that it might be ground by the local millers, they give this drawback. It not only benefits the miller but the consumer.

HON. MR. READ (Quinté)—It also benefits the consumer, because he receives the benefit of the 80 or 90 cents drawback.

The clause was agreed to.

On the 10th section,—

HON. MR. POWER—I see that the duty on living animals has been raised from 20 to 30 per cent. The hon. gentleman from Victoria has shown us how utterly unnecessary that duty was to keep cattle out. They are not imported into any Province except British Columbia, and they will continue to come in there, and as the Government have admitted that they do not require the money for revenue purposes, the only effect of this increase in duty will be to make living a little more expensive to the people of British Columbia. I do not propose to deal with all the items in this tariff. We would hardly be able to prorogue next week if we dealt with them all; still, there are some more that require some explanation. I find in item 10 that barrels, containing petroleum or its products, or any mixtures of which petroleum forms a part, when such contents are chargeable with a specific duty, are to pay 40 cents each. The farmers of this country do not raise petroleum, but there is a very heavy duty upon the petroleum which the farmer uses to light his house. The duty is something like 30 per cent. at present, and this Government, who are so anxious to take care of the interests of the farmer, think he is getting too much of this expensive American oil. Of course, it is better to get an inferior light from Canadian oil than a better light from American oil, and they put a duty of 40 cents on the casks. It occurs to me, seeing that the hon. gentleman from Glengarry does not take much interest in this item, that it does not affect his county a great deal. I think in that county petroleum used by the people does not pay a great deal of duty. It can come across the river when Custom houses are closed.

HON. MR. McMILLAN—We do not require as much light as you do in Nova Scotia.

HON. MR. POWER—I find that rice, uncleaned and unhulled, bears a duty of 17½ per cent. *ad valorem*. The farmers in this country, of course, raise large quantities of rice, and I have no doubt that that duty will help them greatly. Then I find 75 cents a barrel duty on wheat flour. I think the hon. gentleman from British Columbia has indicated that in Quebec

they import a great deal of flour, and we get a great deal of flour in the Lower Provinces.

HON. MR. READ—Is not that in the interest of the farmer? There were 280,000 barrels of flour brought in last year. The Canadian farmer must have received a larger price for his wheat than the American farmer received, or else the American miller could not have sent in 280,000 barrels of flour last year, and paid a duty of 50 cents a barrel on it.

HON. MR. POWER—I do not speak much about the Ontario farmer, for I do not know a great deal about him; but this question of flour is one that I could discuss for an hour. I do not care to go into the question of who pays the duty. I may say that the country that exports, under ordinary circumstances, a large quantity of a staple article cannot suffer very much from having that article coming in free. It is more convenient for the people of Nova Scotia, sometimes, to get their flour as a return cargo in the schooners which go to Boston and other United States ports, carrying Nova Scotia products, than to bring it down by rail from Ontario.

HON. MR. OGILVIE—But they do not pay one cent more for the flour.

HON. MR. POWER—It is a question I do not want to argue, only it is a singular thing, if it does not make any difference in the price, that the hon. gentleman and his friends should be so anxious to get 25 cents added to the duty.

HON. MR. OGILVIE—It is to keep the market for our own people.

HON. MR. POWER—How is that effected? Is it not by making the foreign article dearer? I know that Sir Charles Tupper told the people of Ontario that the Lower Provinces were paying three hundred and odd thousand dollars duty, which accrued, he said, to the benefit of the people of Ontario; but any hon. gentleman who will go into Prince Edward Island, or New Brunswick, or Nova Scotia, and tell the farmers of these Provinces that they are benefited by the duty on flour, will find that he is taking his story to a very poor market; and the hon. gentleman from British Columbia, with a patriotism which does him credit, and which, I regret to say, I cannot undertake to rival, told us that the people of his Province were content to suffer, simply because they felt that in powerful and populous Provinces the tariff had a beneficial effect, and they, in British Columbia, were prepared to suffer a great deal. I think that is a broad kind of patriotism, but I doubt that it is a wise kind of patriotism. I think that the proper way is for the man who represents a section of the country to look at the part of the country whose interests he is familiar with, and not talk upon hearsay evidence of what suits other parts of the country. The hon. gentleman from British Columbia is not charged, any more than I am charged, to speak in the interests of Ontario. There are twenty-four gentlemen supposed to sit in this Chamber who, I think, are fairly competent to look after the interests of Ontario, backed, as they are, by some ninety gentlemen in the House of Commons; and if we look after the weaker Provinces we can trust Ontario to look after herself. There is not a farmer in the Lower Provinces benefited to the extent of one dollar by the duty on flour. Our farmers are all consumers of flour, and so in Quebec and British Columbia.

HON. MR. PROWSE—There are hundreds of farmers in Prince Edward Island who do not buy a barrel of flour.

HON. MR. POWER—I do not profess to know much about Prince Edward Island, but I was not aware that they made much flour of their own there. I find in this farmers' tariff other items that strike one—for instance, clocks and clock cases of all kinds, 35 per cent. *ad valorem*. It must be a very consoling thing to the farmer to know that even his time is taxed. Then I find that the duties on a number of cheap cotton goods which go into consumption amongst our farming population largely are increased to 2 cents per square yard, and 15 per cent. *ad valorem*. I think that the combination of specific and *ad valorem* duties is a most objectionable combination, not like Shakespeare's consummation, one devoutly to be desired, but rather one devoutly to be abhorred. The beauty of this combination is this, that while the expensive article which the wealthy man purchases is allowed in at a comparatively low figure, the cheap article, which is used largely by the farmer, pays the compara-

tively heavier duty; 2 cents a square yard on cottons is, in itself, a considerable duty on ordinary goods, but when you add 2 cents per square yard to 15 per cent. *ad valorem* you have a very heavy duty indeed on an article which is essential to the farmer. We have had for twenty years cotton manufactories running in this country, and if these industries are not now sufficiently thriving with a duty of 20 per cent. to supply our farmers, I think it shows that these industries are misplaced, and that they are not suited to the circumstances of the country. I might mention, curiously enough, that I had gone over this tariff in a hurried way before the leader of the House had made his speech, and I was not thinking of the farmers as I went over it, but I thought it curious how many things I find in it that suits the farmers. For instance, drain pipes, sewer pipes and earthenware tiles, 35 per cent. *ad valorem*. These are articles which are used in good farming. They may be manufactured here, but 35 per cent. is a very high duty to put upon an article which is a prime necessity for farmers.

HON. MR. ABBOTT—Glazed tiles are not used by farmers.

HON. MR. DEVER—Glazed tiles are used for sewerage.

HON. MR. POWER—I do not quite understand the hon. gentleman from St. Johns. That hon. gentleman talks free trade one time and talks protection another, but I notice he always votes with the Government. I do not know what his sentiments are and I cannot undertake to notice an hon. gentleman who is so much like a weather-cock. The hon. leader of the House suggested that the farmers did not use unglazed tiles.

HON. MR. ABBOTT—I said glazed tiles.

HON. MR. POWER—We will leave out the glazed tiles and speak of drain pipes —earthenware tiles, 35 per cent. *ad valorem*.

HON. MR. ABBOTT—That is not the description of farmers' tiles.

HON. MR. POWER—I think drain pipes are commonly used on farms.

HON. MR. ABBOTT—No; for houses and buildings.

HON. MR. POWER — Does not the farmer drain his house?

HON. MR. ABBOTT—Oh, yes; the farmer, in common with the rest of the world, uses all those things which my hon. friend is quoting.

HON. MR. POWER—The farmer, in common with the rest of the world, has to pay the duty.

HON. MR. ABBOTT—Did my hon. friend think that I asserted in the few words I spoke about this tariff, or desired to be understood to mean, that the whole of the National Policy was to be abandoned in so far as it referred to any article that was ever used by a farmer? That is the sense in which the hon. gentleman is criticising my remarks.

HON. MR. POWER—We are not dealing with the whole tariff—we are dealing with the amendments in this Bill. When the leader of the House, at my respectful solicitation, deigned to make a few observations on the Bill which he was submitting to the House, he had at first proposed to move this Bill *sub silentio*. When he made some remarks the hon. gentleman from Ottawa suggested that this was a farmers' tariff. The hon. leader said: "Yes; that is just what it is."

HON. MR. ABBOTT—I must contradict my hon. friend in that respect. When the hon. member from Ottawa repeated what I had said, and assumed it to mean that it was a farmers' tariff, I said "largly so," and I am surprised if my hon. friend did not understand then—and I am perfectly certain he did—that in speaking of these amendments I was treating them as being made largely to benefit the farmer. What I said and what I meant was, that a great many important alterations in the tariff were made to benefit the farmer, and in that sense it was largely a farmers' tariff, and I did not mean and did not say, and I can hardly think my hon. friend understood me to say, that the alterations in the tariff were made to suit the farmers especially, so that my hon. friend's criticism is really no criticism of what I said at all.

HON. MR. POWER—My recollection may not be a *verbatim* recollection, but I am perfectly satisfied that the hon. gentle-

man from Ottawa used the expression "a farmers' tariff."

HON. MR. ABBOTT—I said, largely so.

HON. MR. POWER—Perhaps the hon. gentleman said "largely." My impression is that he said "that is a very good name." Unless I am altogether wrong, the hon. gentleman went on to explain that it was time to do something for the farmer and that this tariff was largely in that direction. The fact is, that the farmer has been waking up to the fact that the tariff, since 1879, has simply been taking money out of his pockets both ways, and he has been getting nothing in exchange; and now these items in this tariff, the duty on sheep and hogs, which are not imported, and other articles of that sort, is a sort of tub thrown to the agricultural whale to try to delude him for the next year or two, until the next election comes off. Then, I find another item which I have no doubt will be very advantageous in its operation to the farmer—item 72, gloves and mitts of all kinds, 35 per cent. *ad valorem.* In a climate where the thermometer goes down to zero as often as it does in this country it must be very consoling to the farmer to know that he has got to pay more than 35 per cent. duty on articles as necessary as gloves and mitts.

HON. MR. OGILVIE—He does not usually buy those that pay duty; he purchases those that are made in this country.

HON. MR. POWER—I find that the duty on lard has been very largely increased.

HON. MR. KAULBACH—That is good for the farmer.

HON. MR. POWER—The fact is, the duty on beef, pork and all kinds of meats which are imported has been largely increased.

HON. MR. KAULBACH—That is good for the farmer.

HON. MR. POWER—I have not the trade returns by me, but I am satisfied that in the Province of Nova Scotia the result of that change in the duty will be that the people will eat rather less meat than they have consumed, and they will pay rather more for it. In the Province of Prince Edward Island it is true they raise pork enough for their own consumption, and also for export, but the lumbering interests and the farming interests through the greater part of the country will suffer from that increased duty on the necessaries of life.

HON. MR. HOWLAN—What about coal?

HON. MR. POWER—The Government did at one time put a duty of 60 cents on bituminous coal and 50 cents on anthracite, but a little while ago the Government were apparently under the impression that they were doing too much for the Lower Provinces, and they took the duty off anthracite coal, the effect of which is to diminish the consumption of bituminous coal considerably.

HON. MR. McMILLAN—That did not lower the price of anthracite coal.

HON. MR. POWER—I find that garden and agricultural seeds, when put up in small parcels, are taxed 25 per cent. Inasmuch as the farmers never send their children to school, I find the duty on slate pencils is increased to 25 per cent. I find that picks, sledges and crowbars, which are sometimes used by farmers and other people who live and work in the country, are taxed 1 cent a pound and 25 per cent. *ad valorem.* I have no doubt that this tax will largely stimulate the farmers who have to purchase shovels and spades, and other agricultural implements. As one looks through this Bill, it is quite wonderful the number of items that one finds which appear to have been conceived in the interests of the farmers. One would suppose that the Minister of Finance had almost got the farmer out of his head when he reached item 184—twine for harvest binders—on which there is a duty of 25 per cent. *ad valorem* imposed. There was a time when this article came in free. On twine of all other kinds not otherwise specified there is a duty of 35 per cent. *ad valorem.* I have no doubt the farmers of the west will appreciate the care of the Government, which says that they will not be humbugged by delusive binding twine that is made anywhere but in Canada. Then we come to India rubber waterproof clothing, on which there is a duty of 25 per cent. *ad valorem* and 5 cents a pound. I do not know whether it is supposed that the farmers of this country use these waterproof articles. One can see that, as the leader of the House says, these

changes in the tariff are largely in the interest of the farmer, and if one does not feel convinced of it by the few items that I have read, if he goes on a little further in the free list, and finds that precious stones in the rough come in free, he must be convinced then that it is in the interests of the farmers. Anyone who looks at the list will see that the articles that the farmer requires are admitted free.

HON. MR. OGILVIE—There is hardly an item that the hon. gentleman from Halifax has mentioned which will prove a tax on the farmer. I know positively, and every one can know, if he chooses to enquire, that these things are sold for a great deal less money since they have been made in Canada than before, not to speak of the cost of freight if we had to import them. They are made better—you may laugh, if you please, but the laughing will not alter the fact. I heard men laughing, as the hon. gentleman from Ottawa laughs now, when they used to talk about the poor man having to pay half a dollar more for boots under this tariff than before it was introduced. Within eighteen months after we commenced to manufacture boots in Montreal they were selling for a dollar less than before the National Policy was adopted. Those articles—picks, crowbars, &c.—are made all over Ontario and Quebec, and you can buy a better article for less money than you can get them for across the line.

HON. MR. DEVER—They are made in Halifax.

HON. MR. OGILVIE. I am speaking of the manufactures that I know of. The hon. gentleman from Halifax laid great stress upon the duty on cottons, and said that we had to pay 2 cents a yard on it. I doubt if there is a thousand yards of that kind of cotton sold to the farmers in the two Provinces of Ontario and Quebec. The common cottons of the best quality have been sold cheaper for the last four or five years in Canada than in any other part of the world that I know of, and I speak of what I know.

HON. MR. SCOTT—How does the hon. gentleman account for this: we imported 24,500,000 yards of the printed and dyed cottons—the cheaper kinds of cottons—on which there was a duty of 32½ per cent., and on which the people paid $540,308?

HON. MR. OGILVIE—That is quite easily accounted for, and the hon. gentleman from Ottawa does not require an answer from me. The article that the hon. member from Halifax spoke of was grey or white cotton. The hon. gentleman from Ottawa is speaking of printed cottons, though these latter are made here now and will be sold as cheap here as anywhere before long. How many yards of that cotton does the farmer buy? It is not the farmer that buys that kind of cottons. There is hardly an article that the hon. member from Halifax spoke of, not even the rubber goods, that is not sold to-day in Canada a great deal cheaper than it was before we began to manufacture in this country; and at the present day I defy any manufacturer to get a monopoly for any length of time. In extraordinary cases he may have it for a few months or a year, but as things are done now it is impossible for a monopoly to exist for any length of time. I speak of the Province of Quebec now. We fortunately have a class of the best labor that I know of, that does our work well and at moderate prices: they are the best people that I know of for that kind of work if they are let alone. There is hardly a single article mentioned by the hon. member from Halifax that is not sold cheaper in this country to-day than before we commenced to manufacture. I have heard some hon. members speak about cotton lords. If they only knew the amount of money that has been lost by competition in manufacturing cottons in this country they would not talk so much about the wealth of these manufacturers. A few years ago they were nearly all ruined, but what appeared to be ruin for them was a good thing for the country after all. I know all about the subject, for I am a little interested in cottons myself. While the owners of the cotton mills suffered, the country derived a great benefit, because instead of manufacturing only thirty or forty lines of goods, as we did at that time, the manufacturers, to save themselves, had to go into the manufacture of different classes, and the result is that to-day in Canada we are manufacturing over four hundred different kinds of goods, all of which are being made

and sold in this country. There is no class of men that receive so much benefit directly or indirectly from the existence of manufacturing establishments in the country as the farmers do. They get a market for all their produce that could not be exported, and I can tell my hon. friend from Quinté, who says that he cannot rent his farm at the city of Belleville for more than $1 an acre, that there are plenty of good farms on the island of Montreal that rent at from $10 to $12 an acre, and the farmers are making money on them too.

HON. MR KAULBACH—These industries give a market to the farmer, and shut out the same kind of articles produced in foreign countries that the farmer has to sell. The tariff is directly and indirectly in the interest of the farmer. The hon. member from Halifax spoke about coal. In my opinion there is no part of Canada that derives such a benefit from the duty on coal as Nova Scotia. What would the Province of Nova Scotia have been to-day without it? The Local Government derives every year $160,000 of increased revenue through this duty on coal. I do not want to bring up sectional issues, but I think it must be obvious that Nova Scotia gains largely by the existing tariff.

HON. MR. POWER—I appeal to the Chair, to know whether this discussion is in order. There is nothing about coal in the Tariff Bill at all.

HON. MR. KAULBACH—I have not taken half the time that my hon. friend did. This is a burning question with him, and he does not like to hear anything about it.

HON. MR. POWER—I always like to hear my hon. friend's voice. I wish to say one or two words in reply to the remarks of the hon. gentleman from Alma division. He informed us that cottons were to be got better and, I think he said, cheaper here than elsewhere. If that is the fact, why is it necessary to impose a duty on cottons?

HON. MR. OGILVIE—I never said that we made better cottons here than elsewhere: I said that the classes of cottons that were made here were good, and that they were sold cheaper than elsewhere for two or three years.

HON. MR. POWER—The impression that the hon. gentleman conveyed to the House was that cottons could be manufactured as cheaply in Canada as they could be imported. The idea occurred to me that if that is so, it is unnecessary to raise the duty on cottons. If we can make cottons as cheaply here as anywhere else, why should it be necessary to increase the duty to 50 per cent. I presume that the real reason for increasing the duty on cottons is that there is a cotton combine. The cotton millers have more mills than they require to supply the demand of the country, and they want to get a better price. I do not blame them at all; it is human nature.

HON. MR. ABBOTT—The misunderstanding between the two hon. gentlemen is largely due to the fact that they are talking of two different things. My hon. friend from Halifax, in speaking of these cottons before, did speak of them in such a way as to give the House to understand, and, I dare say he thought so himself, that these were common cottons which are bought largely by farmers and by others who have not a great deal of money to spare. My hon. friend from Alma spoke of the same kind of cottons when he spoke just now as to their having been made and sold cheaper here than anywhere else for a time, and as cheap now as anywhere else in the world. Anyone who chooses to read item 44, and who knows anything of goods, will know that the articles mentioned here are not anything approaching the ordinary common cottons of the country—the cheap cotton which is bought and sold at a very small price. All these cotton goods mentioned in the item are goods which cost much more than the ordinary cotton goods of which my hon. friend from Halifax appeared to be speaking, and of which my hon. friend from Alma was actually speaking.

HON. MR. REESOR—Are they prints for making ladies' dresses?

HON. MR. ABBOTT—No; I do not think they are. They are cotton denims, drillings, bed-tickings, ginghams, plaids, cotton or Canton flannels, flannelettes, cotton tennis cloth, or striped zephyrs, ducks and drills, dyed or colored, checked and striped shirtings, cottonades, Kentucky jeans, pan-

taloon stuffs, and goods of like description. These are not the ordinary cottons of commerce at all, and I would like to say just one word more to my hon. friend, though I regret that my skill in such matters is so small that I cannot say it with absolute certainty—I am under the impression that this mode of imposing the duty does not increase the duty; it simply imposes it in such a form as to ensure its collection in a due ratio to the value of the goods, instead of as it was collected under the former system.

HON. MR. POWER—That is not the usual effect of a specific duty.

HON. MR. ABBOTT—My hon. friend will find in this tariff that there are a great many articles on which a specific duty has been converted into an *ad valorem* duty, and other articles in which the *ad valorem* duty has been converted into a specific duty; but I can state, as the result applicable to the whole of this tariff, that in these instances the duty has not been increased: it is only the mode of imposing it that has been changed.

HON. MR. DRUMMOND—It is practically a change only in the nomenclature.

HON. MR. ABBOTT—Practically that.

HON. MR. POWER—I had a pretty fair idea, although the hon. gentleman from Alma did not seem to think that I new what I was talking about, what item 44 is. Bed-ticking and check and striped shirtings are things we all know about, and Kentucky jeans in the same way; and I still contend that these are classes of goods that farmers do wear, and are not worn in cities.

HON. MR. ABBOTT—No body denies that.

HON. MR. POWER.--Then my point was perfectly well taken. The hon. gentleman from Alma undertook also to inform the committee that the farmers were largely benefited by these factories. The hon. gentleman probably, as he does not confine his observations merely to the neighborhood of Montreal, has read a good deal of what has recently appeared in the American press and in our own newspapers as to the condition of the farming community in New England. He has probably found that where the largest factories in America are situated, where hundreds of thousands of men from his own Province are employed, that farming is in a much worse condition than it is here. While the factories have been growing and increasing the condition of the farmers in the neighborhood of those towns has been going down; yet the hon. gentleman tells us that though you go hundreds of miles away from them the farmers are benefited by the factories. What is the tact about the Province of Ontario? Every one who knows anything about it is aware that the condition of the Ontario farmer is not as good to-day as it was ten years ago. It has been completely disproved, that talk of protection creating a home market for the farmer. The factories do not increase the population. The men and women who work in factories do not eat any more because they work in a factory, and the transferring of a mouth from the field into a factory does not make that mouth eat one ounce more of the farmers' products.

HON. MR. ABBOTT—The hon. gentleman wants information. I am sure he does not wish to mislead anyone. Section 44, which the hon. gentleman quotes as a large increase of the tariff, does not happen to increase it at all. It is exactly as it is in the present tariff.

HON. MR. SCOTT—I suppose they have worked it out, for in the Trade and Navigations Returns it is worked out as being 32½ per cent.

HON. MR. ABBOTT—The only difference between the two items referred to is that two or three items of a similar class are included in the new clause.

HON. MR. SCOTT—I think we had a tariff since the Revised Statutes.

HON. MR. ABBOTT—Possibly we had.

HON. MR. POWER—The farmer, then, does not get the benefit of the change in the tariff?

HON. MR. ABBOTT—He gets the benefit of the adjustment of the rates, so as to make them conform strictly to the principles of the National Policy, which benefits the farmer and everybody else.

HON. MR. POWER—But the hon. gentleman tells us that the duty is exactly the same as in the Revised Statutes,

so that the farmer does not get any particular advantage out of it at all.

The clause was agreed to.

HON. MR. COCHRANE, from the committee, reported the Bill without amendment.

The report was received and adopted.

The Bill was then read the third time, under suspension of the 42nd Rule, and passed.

LABOR STATISTICS BILL.

FIRST AND SECOND READING.

Bill (148) "An Act to provide for the Collection and Publishing of Labor Statistics," was introduced and read the first time.

HON. MR. ABBOTT—This is a Bill to establish a department for the collection of statistics of labor and industry.

HON. MR. SCOTT—This is in the interest of the laboring man?

HON. MR. ABBOTT—This has been a request urged upon the Government by the laboring class, and, as the Government usually do when they find a demand made which they think is just and reasonable, they are ready to conform to it. They have introduced this Bill, and it has passed the Commons with a view of meeting the views of the laboring class in this particular. The Bill is simply for organization. It contains no legislation affecting any one, but simply the establishment of a bureau for collecting these statistics. I move that the Bill be read the second time.

The motion was agreed to.

PICTOU HARBOR BILL.

FIRST, SECOND AND THIRD READINGS.

Bill (152) "An Act to amend the Acts respecting the Harbor of Pictou," was introduced and read the first time.

HON. MR. ABBOTT—This is a Bill introduced on the recommendation of the Harbor Commissioners of Pictou, and on the recommendation also of a large number of persons engaged in the shipping trade of Pictou. As the law now stands, vessels of forty to eighty tons are obliged to pay harbor dues every time they enter the harbor of Pictou, and it is impressed upon the Government that it would be expedient and reasonable that instead of paying every time they come in, the payment should be limited to three times in any calendar year; and this Bill is simply to provide that vessels which enter the harbor of Pictou shall, however often they may come there, only be charged harbor dues three times in any calendar year. I move the second reading of the Bill.

HON. MR. MILLER—I think it is a reasonable provision, for Pictou is one of the most important coal ports in the Province, and the same vessel might make half a dozen trips in the season to that one port.

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

The House resolved itself into a Committee of the Whole on the Bill.

HON. MR. McCALLUM, from the committee, reported the Bill without amendment, and the Bill was then read a third time, and passed.

BOUNTY ON PIG IRON BILL.

Bill (149) "An Act to make further provision respecting the Bounty on Pig Iron manufactured in Canada from Canadian Ore," was introduced and read the first time.

HON. MR. ABBOTT—This is a Bill in conformity with its title. It provides as follows:—

"1. The Governor in Council may authorize the payment, out of the Consolidated Revenue Fund of Canada, of a bounty of two dollars per ton on all pig iron manufactured in Canada from Canadian ore, between the first day of July, one thousand eight hundred and ninety-two, and the thirtieth day of June, one thousand eight hundred and ninety-seven, both days inclusive, under such regulations as are, from time to time, made by Order in Council as to the quality of the said iron, and such other matters as it is found expedient to provide for in order to prevent fraud and ensure the good effect of this Act.

"2. The regulations made as aforesaid shall be laid before Parliament within the first fifteen days of each Session, with a statement of the moneys expended in payment of the said bounty, and of the persons to whom they have been paid, and the places at which the pig iron in respect of which they have been paid was manufactured, and such other particulars as tend to show the effect of the said bounty."

I move the second reading of the Bill, under suspension of the Rule.

HON. MR. POWER—I, for one, object to the suspension of the Rule at the present time. This is a very important measure, although it may look very simple, and I should like to have an opportunity of making some observations at the second reading, although I am capable of talking a little more to-night.

HON. MR. KAULBACH—It is a very important Bill in the interests of Nova Scotia, and my hon. friend should not certainly obstruct the passage of this measure. It is not a subject with which the hon. gentleman is unfamiliar. He is as familiar with that subject as with most subjects that come before this House, and there is no object in delaying the Bill.

HON. MR. SCOTT—I thought of suggesting an amendment to this Bill; I was going to propose to give a bounty of 5 cents a bushel for every bushel of wheat that the farmer produces. Wheat is certainly more important than iron, and my proposition is just as logical as this.

HON. MR. REESOR—We might move at the same time to have the Intercolonial Railway carry our flour at $1 a ton.

HON. MR. ABBOTT—I think my hon. friend would require another Bill for that purpose, and it may be that amongst the other Bills on the Speaker's Table there are Bills on those subjects. If the hon. gentleman from Halifax persists in his objection, I shall have to ask that the second reading be postponed until to-morrow.

HON. MR. POWER—It will be remembered that this bounty was given only for a specific time. The understanding was that this was then an infant industry, although it had been running for some twenty years, and it needed to be nursed four or five years under the tariff, and this bounty was given. I think some one did make a suggestion, at the time this Bill was going through the House before, of a similar character to that made by the hon. gentleman from Ottawa. Now, I think the Government are bound, if they expect us to call upon the people of the country at large to pay a considerable sum towards the maintenance and further growth and development of this infant, to give us some information on the subject, and the hon. gentleman has not deigned to give us any information to show why it is that the expectation which he excited when this measure first became law has not been fulfilled, and why it is necessary that this infant should be still fed in this way at the expense of the general public.

HON. MR. ABBOTT—I understand that my hon. friend objects to the Bill being read to-night?

HON. MR. POWER—Yes.

HON. MR. ABBOTT—Then I move that the Bill be read the second time to-morrow?

The motion was agreed to.

WOOD MOUNTAIN AND QU'APPELLE RAILWAY CO.'S BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (156) "An Act respecting the Wood Mountain and Qu'Appelle Railway."

The Bill was read the first time.

HON. MR. PERLEY moved that the Rules of the House be suspended so far as they relate to this Bill. He said: The Bill is to extend the time for constructing a small portion of the line. The company have a charter already that has not expired, but it will expire, so far as this small section is concerned, during the summer, and they would like to have the time extended for building this small section of 15 miles. A portion of the road is already constructed, and they do not wish to build that 15 miles this summer, and therefore they ask for this extension of time.

HON. MR. POWER—I object to the Bill taking any further stage just now. It is a private Bill and it has to be reported by the Standing Orders Committee. The terms of the charter were very liberal and they have not been complied with. The state of facts which exists now has been existing all the Session, and these gentlemen have no merits to come here at this stage of the Session.

HON. MR. ABBOTT—I understand there is some reason for their not having made this application before.

HON. MR. PERLEY—I suppose it was because of some difficulty about the financial arrangements.

HON. MR. ABBOTT—Up to a very recent date, indeed, the company were expecting some financial assistance, which would have enabled them to go on this summer. Of this they have knowledge only the last two or three days, and it was on that ground that the House of Commons allowed the usual summary proceedings to be taken for the introduction of this Bill yesterday. When the company is making no demand on the public purse in any way whatever, and when the granting of this delay would cause no injury to the public, but would tend to promote the construction of a railway through a section of the country which requires it very much, I think it is a pity that we should object to its going through. No favors whatever are sought for this company; we are simply asked to extend the time which the charter has to run. If the Bill is not passed, the charter will have lapsed before another session of the House takes place.

HON. MR. MILLER—For my own part, I do not like to favor the introduction of Bills without a strict compliance with the Rules of the House, and I think the precedent is not a very safe one to establish, to allow a Bill to be brought in at this period of the Session and rushed through without any investigation or any compliance with the Rules of the House. Still, while I feel that way generally, with regard to Bills of this character, I think it would be a pity, unless there is some substantial ground for doing so, to reject this Bill. It may be a very serious matter to those who are interested in the project if the Bill is rejected. Perhaps the hon. gentleman who has charge of the Bill will be able to give such explanation as will induce the House to grant a suspension of the Rules which have not been complied with. Unless there is some very strong reason why the Bill should not go through, we should not allow a technical non-compliance with the Rules to interfere with the passage of the measure. The company are simply asking permission to go on with the road, and an extension of time to do so, and unless there is some strong ground, which does not appear on the face of the Bill—and, on the contrary, the object of the Bill appears to be a good one—I shall be prepared to support it under the circumstances.

HON. MR. PERLEY—The line of railway to which this Bill refers extends from a point south of the Canadian Pacific Railway to a point far north of Fort Qu'Appelle. By their charter the company are required to build about 15 miles of their line by next summer. They have built a portion of that road, and they wish to construct the portion south of the track—they do not wish to go on this coming summer with the 15 miles; that would be of no use to them this year. They wish to get to the coal fields, and for this reason they wish to expend their energy and means in building the portion south of the railway. Certainly the object is most commendable. All other portions of the charter have six years yet to run, but the company are required to complete this section between Qu'Appelle and Fort Qu'Appelle this summer. It is more important to them to get to the coal fields, and that is why the extension is sought. I think the hon. gentleman, under the circumstances, ought to waive his objection.

HON. MR. KAULBACH—I think, after the satisfactory explanation we have heard, the hon. gentleman from Halifax will not press his objection.

HON. MR. POWER—I cannot call it a satisfactory explanation. I happened to hear accidentally that this Bill got through the House of Commons by a sort of fluke, so to speak. It was moved in the early part of the session yesterday afternoon and was objected to and stopped, and then, just as the Speaker was leaving the Chair, it went through.

HON. MR. PERLEY—It was objected to on the same ground on which the hon. gentleman objects now—they did not understand it.

HON. MR. POWER—The fact was, that the second time it got through without being noticed. They are not as attentive to business in the House of Commons as we are here. From the explanation of the hon. gentleman from Assiniboia, it appears that the company is not obliged to come here for this legislation.

HON. MR. PERLEY—Oh, yes it is.

HON. MR. POWER—The hon. gentleman tells us that the company wish, instead of building the 15 miles to Qu'Appelle, to build to the coal fields. I do not think that is a sufficient reason why we should throw all our Rules to the winds. Unless I am mistaken, this company have a land grant from the Dominion Government, and they keep that land grant tied up for a number of years. The terms of their charter were moderate enough. I think they had better build that 15 miles.

HON. MR. REESOR—Let them get to the coal fields first and get fuel.

HON. MR. POWER—It is a bad principle.

HON. MR. MILLER—It is a bad principle in regard to public Bills.

HON. MR. POWER—We have an elaborate system of Rules in order to prevent vicious private Bills from getting through—Bills that have no merit in them. When a Bill comes this way at the end of the Session we do not know what is behind it—we do not know what the feelings of the representatives from that particular part of the the country are. I know that some members from the Lower House were not in favor of the passing of this measure. I think it is expecting a great deal to ask this House to throw all its Rules to one side, in favor of a measure of which we know very little indeed.

HON. MR. MILLER—What I meant with reference to the principle of public Bills and private Bills was just this: when a public Bill is read a second time its principle is affirmed; when a private Bill is read a second time its preamable must afterwards be proved.

HON. MR. LOUGHEED—The company have not made any serious default in this matter, inasmuch as the charter was only granted last Session and some of the work had to be completed, by this coming August. Therefore, a very short time has been given them. Owing to the further fact of considerable expectations having been raised in regard to the Government aiding them financially this year, owing to a change of financial arrangements that my hon. friend can appreciate, the difficulty of making satisfactory arrangements in the North-West Territories, a difficulty has occurred in the way of completing that road in time. My hon. friend cannot say that it is in the public interest that he should take this stand to-night in opposing the project. It is of vast interest to that particular part of the country, and if he lived in any portion of the North-West Territories he would appreciate the difficulty of carrying enterprises of this kind into operation; therefore, the indulgence of the House should be extended to enterprises of this nature, and consideration given to the difficulty of carrying their operations into effect. I, therefore, as one of the representatives of the Territories, would ask my hon. friend to withdraw his opposition, in view of the fact that it is in the public interest, and in view of the further fact that those interested in the road have already put a large amount of money into it, and that it would be for the general advantage of that part of the country that this Bill should be put through. It did not pass the House of Commons in the manner indicated by my hon. friend, but received considerable attention from the Government, and particularly from the Minister of the Interior, who informed me this morning that he was perfectly satisfied that this measure should receive the sanction of the Senate. Furthermore, the leader of the Opposition closely inspected this measure in the House to-day, and gave his assent to its passage. Hence, it is here this evening. I therefore think the general interests of the country will not be prejudiced in any way by my hon. friend consenting to the passage of the Bill to-night.

HON. MR. POWER—We find as we go along that we get further light. My hon. friend said that this charter has been in existence only since last year.

HON. MR. LOUGHEED—This particular section.

HON. MR. POWER—My hon. friend drew that inference from the fact that another Act is referred to in the Bill that is before the House. This road was chartered away back in 1885.

HON. MR. KAULBACH—It has been amended since then.

HON. MR. POWER—The company have been in existence for five years, and have done almost nothing to date, and have kept the lands in that part of the country out

of the hands of settlers. I do not really feel that I am doing that part of the country any good in helping to keep that land locked up any longer. If the leader of the House will take the entire responsibility of putting this measure through I suppose I had not better stand in the way.

HON. MR. ABBOTT—I have had a conference with my hon. friend the Minister of the Interior about this very Bill this afternoon. He brought the subject under my notice, and said he thought it was a case in which the petitioners should have the extension that was asked for, and requested me to assist in getting it through the House. Therefore, I do not hesitate at all to take the responsibility that my hon. friend suggests. This extension is so small in comparison with the extensions that we are frequently asked for that I think we ought to grant it.

HON. MR. O'DONOHOE—I rather think that it will not be necessary for the leader of the Government to assume all the responsibility. I take it, a large number in this House, if not all, except the hon. member from Halifax, will join in the responsibility of extending the time.

HON. MR. POWER—Under the circumstances, I withdraw my objection.

The motion was agreed to, and the Bill was read the second time, and referred to a Committee of the Whole House.

HON. MR. DRUMMOND, from the committee, reported the Bill without amendment, and it was then read the third time, and passed.

WINNIPEG AND HUDSON'S BAY RAILWAY CO.'S BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (155) "An Act respecting the Winnipeg and Hudson's Bay Railway Company."

HON. MR. GIRARD moved—

That the fourteenth, forty-first, forty-ninth, fifty-first, fifty-seventh and sixty-first Rules of this House be dispensed with, in so far as the same relate to the Bill intituled: "An Act respecting the Winnipeg and Hudson's Bay Railway Company," and that the said Bill be now read a second time.

He said: It is with a certain uneasiness that I make this motion. The Bill is very short, but it relates to a great enterprise. Great efforts have been made during the present Session to make arrangements which would enable the company to go on with their work. Those efforts have not been successful. The company do not come to ask for money or any favor, except an extension which will enable them to make better financial arrangements. There are men of energy and ability at the head of the enterprise, and though it may take some years to make the enterprise a success, they will eventually succeed, and it will contribute greatly to the wealth and prosperity of the Dominion. I therefore ask that the Rules of the House be suspended.

HON. MR. POWER—I object.

HON. MR. SCOTT—The motion can only be put by the unanimous consent of the House.

HON. MR. GIRARD—I hope the hon. gentleman from Halifax will yield, as he did in the case of the other Bill.

HON. MR. POWER—There is no member of this House that I would rather oblige than the hon. gentleman from St. Boniface, and no one whose courteous request I refuse with greater regret. This measure is not like the last one. I did not know much about the merits of the other Bill, but the object of this measure is to keep alive a project which is seriously prejudicial to the interests of the country at large. This scheme has been dangled before the eyes of the people of the North-West and the English capitalists for years, and if, by enforcing our Rules, we can help to cut down this object that has been so long dangling—or, to use another figure, if we can extinguish this *ignis fatuus*, I appeal to the members of this House, as to men of common sense, to do so, because the scheme is doing vastly more harm than good to the country. There is no excuse whatever for the delay in this case, whatever there may have been in the other, because the promoters of this measure have been here all, or nearly all the Session. There has been no change in the circumstances since the early part of the Session, except possibly they may have expected to get a large grant from the Government, which the Government were sensible enough not to give them. If we keep

this thing alive now, possibly next Session, when the Railway Subsidy Bill comes down, we will find this project figuring for a subsidy. Inasmuch as the thing is unwise and injurious to the country, I think I am doing my duty to demand an enforcement of the Rule.

HON. MR. MCMILLAN—These gentlemen have built already forty miles of the road, and they want a further extension of time, in order that they may complete their fianancial arrangements to continue the work. I do not see why this Bill should be dealt with differently from the other Bill. I know there is prejudice against the project, but still, as these gentlemen are interested in the enterprise, and it is for the welfare of that western country, I think it should receive the sanction of the House.

HON. MR. KAULBACH—This Bill has been introduced here and passed. It is considered for the general benefit of Canada, although my hon. friend may think it is not. Supposing it is a fraud, there are a large number of people in this country who have faith in it. Although the hon. gentleman has an arbitrary power to obstruct legislation, I think he should use it with a degree of delicacy in this case which he might not do under other circumstances. It is hard for my hon. friend to stand out against what is manifestly the feeling of a large portion of the country, by his own arbitrary will, and deprive this company of its existence when they have spent such a large amount of money. The promoter of the Bill should be admired for his indomitable perseverance, and now that there is a prospect of getting money from another source I think my hon. friend will do as he did with the other Bill, and, after his expression of opinion, will withdraw his opposition.

HON. MR. READ—This is a measure in which the House will act wisely to resist the pressure that has been brought upon them, for I would have felt it my duty to oppose it by every means in my power, and defeat it if possible, though I stood alone on the question. If the road was not to be commenced for twenty years I would be inclined to vote for it, but I do not feel inclined to give this measure any consideration at all. I do not think the project has any merits. I do not think the road is required. I do not believe if it is ever built that it can be a success in any way. After reading what I have read in the reports of that country from year to year, if there is anything in them, I believe it is only deceiving people who put their money into this road to encourage the building of it. Until there is a large population in the North-West this project should be abandoned, but at present it is a scheme that has no merits.

HON. MR. MILLER—The motion cannot be put without the unanimous consent of the House, and if the hon. gentleman from Halifax persists in this objection, that of course puts an end to the matter. The Bill asks for no subsidy or assistance from Parliament, but I cannot forget that early in this Session a round robin was circulated in this House asking for a subsidy for this railway, and I know that the promoters of it expect to get a subsidy. I entertain precisely similar opinions to those expressed by the hon. gentleman from Quinté with regard to this Bill; it is not a practical scheme, and it will never realize the expectation of its promoters, even if it were constructed. Besides, there is this to be considered: we have spent an enormous sum of money in opening up connection between the North-West and the Eastern Provinces, and we are now called upon, immediately after the construction of the Canadian Pacific Railway, to construct another road that will destroy the paying qualities of the one we have completed. I don't think our finances are in a position to do so, for you may take it for granted that the road will not be built without a demand for a heavy subsidy from the Dominion Government. I do not think we are in a position to hope that a subsidy will be granted to that road. I was asked to sign the round robin, but declined to do so. Since I have been in Parliament I have supported every measure in favor of the North-West, even when I was laughed at for doing so, and I was called an enthusiast and visionary in regard to the taking in of the North-West Territories and afterwards of British Columbia. I supported every measure for the development and promotion of that great North-West country, and, up to the present time, I have nothing to regret in the course I pursued on this question, and

if I thought this was a measure of a character to be of any benefit to the Dominion at large, or to the great Territories to the west of us, I should support it also: but, after a good deal of reflection, from the time our late lamented colleague, Senator Ryan, brought this matter before the House, up to the present day, I have never been able to come to any other conclusion than that this is a visionary scheme that should not be encouraged by Parliament.

HON. MR. ABBOTT—It seems to me that the discussion is perhaps a little more on the merits of this scheme than would be useful on the present occasion. I do not find fault with the hon. gentlemen for stating their opinion on the merits of the scheme, but really the question now is, whether we will give the promoters of the Bill a chance to be heard in a reasonable and favorable manner before the House, in the usual way—that is, before a committee. If there is any serious objection to the Bill passing let us refer it to the Railway Committee, and let the committee report. Of course, the hon. gentleman from Halifax takes upon himself very much the position of supreme judge when he refuses to allow the Bill to come before the House at this stage of the Session. My hon. friend's opinion may be against the Bill on its merits, but let us give the promoters an opportunity of arguing their case out before the Railway Committee. We could get the Railway Committee together to-morrow, appoint a temporary chairman, and have the matter fully talked out and discussed there, whether we will pass the Bill or not.

HON. MR. MILLER—We have had no explanation whatever as to why the Rules have not been complied with.

HON. MR. ABBOTT—We could get that, I have no doubt.

HON. MR. POWER—As a matter of fact, the promoters of this Bill have been in Ottawa during the greater part of the Session, and it is clear on the face of it there is not any specific reason why this Bill did not come in earlier. There are no merits in it, and, therefore, there is no reason why we should suspend the Rule.

HON. MR. ABBOTT—I do not know what the reason is, but I have gathered, from what conversation I have had about it, that they were in hopes of getting specific assistance towards the railway, and if they had got it they would not have required this extension of time. Within the last three days they became aware of the fact that they would not get any assistance, and they want time to make arrangements to build the railway through some other source. I have not been able to form an opinion as to whether the scheme is feasible or not, and it is not so much a matter which concerns me, so long as they do not ask me for assistance to build it. They were confident they would get a grant, and postponed their legislation until they knew that they could not get it, and that is only within the last two or three days. We have permitted private Bills to be put in at a late stage of the Session, on an exigency, for reasons no better than that. Without expressing any opinion on the merits of this application, I think we ought, in fairness, to let the promoters have an opportunity of being heard before the committee, and that we should read the Bill a second time.

HON. MR. LOUGHEED—The promoters of this Bill were in expectation of receiving a subsidy, and very reasonably so, when we take into consideration this fact, that the recommendation for a subsidy was signed by a large majority of the members of the House of Commons. Therefore, it was thought that a majority of the House having signed the petition in favor of the subsidy, the subsidy would be granted. It would not have been necessary, had a subsidy been given, to have introduced this Bill, for the company could have made satisfactory arrangements by which the road could be constructed. But this subsidy having failed during the dying hours of the Session, they found themselves at this late period of the Session compelled to ask for an extension. As the leader of the House has said, this is not the occasion to discuss the merits or demerits of this road; but I may say that the very best indication that I could point out to the House of the feasibility of the scheme is that over half a million of dollars has been expended already in constructing forty miles of this road, and when capitalists have put in half a million of dollars into a road, and constructed forty miles of it, I think those capitalists should be granted the privilege

that they ask. Under these considerations I would ask my hon. friend from Halifax to withdraw his objection. When he takes into consideration the fact that this large sum of money has been expended, that a portion of the road has been built, and that the refusal of this House to grant its extension will prejudice the expenditure of this large amount of money, it should justify the withdrawal of the objection taken by the hon. gentleman. Furthermore, I will point to the fact that the refusal of this House will handicap the company to this extent, that it will be impossible for them to go on and make the financial arrangements necessary for the completion of the road. It is impossible to go upon the London market for the purpose of making arrangements to carry on the work, unless capitalists can see that a reasonable time has been given by Parliament for its completion, and the road will be jeoparised without the passage of this Bill. The consensus of opinion in Manitoba is in favor of the enterprise, as they have signified in every possible way by public opinion, by the representatives of the people—in fact, wherever a voice could be expressed or an opinion indicated, that voice and that opinion have been in favor of this enterprise. Therefore, I say that the Senate should respect the opinion of the people living in that country, particularly when we are not called upon to place our hands in the public exchequer for the purpose of carrying out this vast enterprise. We are asking a right which does not cost the country anything and which may possibly assist in promoting a great project.

HON. MR. READ—I think it is the duty of Parliament to speak out and not to induce capitalists to take hold of wildcat schemes like this. We have already been discredited in England, and a suit in chancery is going on in relation to one scheme, and if we countenance such a wild scheme as this we induce capitalists to take hold of it, and, as I believe, with no good result. Therefore, I think it my duty to oppose this Bill in every way in my power in the interests of all, with the exception of a few people who are expected to profit by it, by capital being expended in their midst.

HON. MR. HOWLAN—The remarks of the hon. gentleman from Quinté would have been all very well if this were a Bill to incorporate the company, but we have created this company and it has gone on and expended a good deal of money. I think we would do ourselves a great deal of injustice if we refused this request. The House of Commons have passed the Bill, and they must have been satisfied of the *bona fides* of its promoters or they would not have taken that course. Now is not the time to oppose the project, after forty miles of the road are built and half a million dollars expended upon it. If the facts are as stated by those opposed to the project, we may take it for granted that the people who have the money to invest in such enterprises will not have anything to do with it. Therefore, if you want to carry out your views of killing the road, you had better extend the time, and the project will carry its own condemnation. I hope my hon. friend from Halifax will consider his objection. He may yet find himself in a position where he wants to get a Bill through towards the close of a session. Though the promoter of the Bill has been here for some weeks, the delay in introducing the Bill has not been due to any act on his part.

HON. MR. POWER—There is nothing before the House now. An objection has been made and this discussion is useless. I will not withdraw my objection. Even if I were willing to do so, I do not think the hon. member from Quinté would withdraw his ?

HON. MR. READ—I certainly would not withdraw my objection.

HON. MR. GIRARD—In Manitoba and the North-West Territories there is but one opinion as to the necessity of this road. We are ready to make any sacrifice to have it built, and it will be built, not only in the interest of the North-West, but in the interest of the whole Dominion. I am sorry to find myself differing from some of my best friends in this House, but I am here to express the views of those I represent and to defend the interests of the country where I live. Under the circumstances, I ask that my motion be allowed to stand as a notice of motion, and at the next regular meeting of the House I propose to move it.

HON. MR. POWER—There must be one intermediate day.

HON. MR. GIRARD—If I am not allowed to move it to-morrow I will move it on Friday.

CUSTOMS ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (159) "An Act to amend the Act of the present Session, intituled: 'An Act to amend the Acts respecting the Duties of Customs.'"

The Bill was read the first time.

HON. MR. ABBOTT moved that the Rules be suspended and that the Bill be read the second time. He said: There have been two curious mistakes this Session; one I shall not speak of, because we shall never hear of it. In the Bill to amend the Customs Act, provision had been made for a duty on baking powder up to five pounds. Another clause was written and was intended to put a duty on baking powder in packages from five to fifty pounds, and a third on packages from fifty pounds upwards. In copying the Bill, they omitted the second clause, so that while there is a duty on importations of baking powder up to five pounds and on importations of baking powder from fifty pounds upwards, there is no duty on baking powder in packages between five and fifty pounds. The discovery was made only yesterday, and this Bill is introduced to correct the mistake.

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

INTEREST ACT AMENDMENT BILL.

COMMONS AMENDMENTS AGREED TO.

A Message was received from the House of Commons to return the Bill "An Act to amend chapter 127 of the Revised Statutes of Canada, intituled: 'An Act respecting Interest,'" and acquainting the Senate that they had passed the same with an amendment.

HON. MR. ABBOTT said: I dare say the House will remember that we inserted an amendment in the Interest Bill which did away with two clauses of the Revised Statutes, that contained some antiquated penalties in such a form as really not to be applicable to anything and were contrary to the spirit and terms indeed of the ordinary law of interest, and were mere encumbrances on the Statute-book. We passed a clause in the Interest Bill repealing those two sections, which applied only to Ontario and Quebec; but it appears, on a scrutiny of the Bill by gentlemen representing the Lower Provinces, there are similar sections in the law relating to interest in the Maritime Provinces which it was thought equally necessary to strike out, and the House has extended the repeal to the sections in the Act relating to interest in the Lower Provinces. The amendment is perfectly harmonious with the rest of the Bill and with the law relating to interest. I move that the amendment be concurred in.

HON. MR. POWER—I think this is rather a sweeping way, a most unusual and most improper way of getting rid of our legislation with respect to interest in the Lower Provinces. This was a little Bill which only went a short distance, and now by an amendment we undertake to sweep away all the provisions with respect to interest in all the Provinces. We propose to do away with two sections with respect to Ontario and Quebec.

HON. MR. ABBOTT—These are the two we do away with.

HON. MR. POWER—But they propose to sweep away all the provisions with respect to interest in Nova Scotia, New Brunswick, Prince Edward Island and British Columbia. That may be a desirable thing to do, but I do not think this is the way to do it, by an amendment coming up at half-past twelve at night on the second night before Prorogation. The question whether there should be any limit to interest is a question as to which there is a great deal of difference of opinion, but I do not think there would be any difference if all the laws relating to interest in the Lower Provinces should be repealed in this way. If the hon. gentleman did not happen to have the amendment read, we would fancy it was a trifling amendment.

HON. MR. KAULBACH—Does the hon. gentleman say that it does away with the limit of interest in our Province?

HON. MR. POWER—It sweeps away all limitations in the Lower Provinces.

HON. MR. ABBOTT—I understood, from the note I got about the matter, that these clauses we are striking out by the amendment were similar to the clauses we struck out regarding Ontario and Quebec. If the hon. gentleman from Halifax states that it extends further we will let the Bill stand until to-morrow, and in the meantime I will see how far they will go. This was an amendment proposed by the members from the Lower Provinces. It was considered fully by Sir John Thompson, who is himself a lawyer from the Lower Provinces, and entirely concurred in by him. I will postpone concurrence until the next sitting of the House.

HON. MR. KAULBACH—There is no limitation of interest.

HON. MR. ABBOTT—That is a little broad, but there is practically no limitation.

BILLS INTRODUCED.

Bill (157) "An Act to authorize the granting of Subsidies in aid of construction of lines of Railways therein mentioned." (Mr. Abbott.)

Bill (160) "An Act to authorize the granting of Subsidies in Land to certain Railway Companies." (Mr. Abbott.)

Bill (158) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th June, 1890, and the 30th June, 1891, and for other purposes relating to the Public Service." (Mr. Abbott.)

HON. MR. ABBOTT moved that when this House adjourns it do stand adjourned until 3 o'clock this day.

The motion was agreed to.

The Senate adjourned at 12.35 a.m.

THE SENATE.

Ottawa, Thursday, May 15th, 1890.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

CONTINGENT ACCOUNTS OF THE SENATE.

FIFTH REPORT ADOPTED.

HON. MR. READ presented the Fifth Report of the Select Committee on the Contigent Accounts of the Senate.

The report was received and read at length at the Table.

HON. MR. READ moved that the report be adopted.

The motion was agreed to.

HON. MR. ABBOTT—Hon. gentlemen will remember that we had a Message from the House of Commons at the beginning of the Session requesting the presence of some of our officers before their committee to give explanations respecting our Contingent Accounts. There was an understanding of some kind that we should look into the matter ourselves.

HON. MR. READ—Yes; and we promised to send them our report, and the demand was that we must hurry up, and that is the reason why we have been hurrying up now to bring in the report.

HON. MR. ABBOTT—I may say that the proceedings of our committee are shown by the report which has just been adopted, and I move—

That a Message be sent to the House of Commons, transmitting to that House a copy of the Fifth Report of the Committee of this House on Contingencies, adopted by this House to-day, calling the attention of that House to the several clauses of that report referring to the expenditure upon contingencies during the past year.

The motion was agreed to.

CONTINGENT ACCOUNTS OF THE SENATE.

SIXTH REPORT ADOPTED.

HON MR. READ presented the Sixth Report of the Select Committee on the Contingent Accounts of the Senate.

The report was received and read at length at the Table.

HON. MR. READ moved that the report be adopted.

HON. MR. ABBOTT—I would ask the House that the report be allowed to stand for consideration to-morrow.

HON. MR. MILLER—The leader of the House will perceive that part of the report must be adopted—the part respecting the hundred dollars for the restaurant. The item for the increase of Mr. Rattey's salary I did not vote for.

HON. MR. ABBOTT—I understood that upon the increase of Mr. Rattey's salary there was a bare majority of one or two; and that a good many members had no opportunity of voting on it. The other point which my hon. friend refers to is

certainly important, but it would not be possible for us to concur in one portion of the report and refuse to concur in the remainder of it, if any objection is raised.

HON. MR. MILLER—We have done that once, but I question the regularity of it. I think this House has no power to amend the report of the committee; the only thing we can do is to refer it back to the committee, with instructions to amend it.

HON. MR. POWER—It is a very small matter to refer the report back for.

HON. MR. ABBOTT—I am given to understand that the sentiment of the House is against this increase.

HON. MR. McINNES (B.C.)—Why not take the sense of the House now?

HON. MR. ABBOTT—The House voted it down last year, after the committee had recommended the increase.

HON. MR. POWER—I should suggest that the easiest way of ascertaining the feelings of the members is to take a vote on it now. Half of the members will have gone home to-morrow.

HON. MR. OGILVIE—It might be very easy to dispose of it by moving to expunge that portion of the report, which I will do, if no one else does. I move that that portion of the report of the committee, with reference to the increase of Mr. Rattey's salary, be not concurred in.

HON. MR. READ—I will have great pleasure in seconding it.

HON. MR. POWER—The hon. gentleman from Richmond has already pointed out that that course cannot be adopted.

HON. MR. LACOSTE—I believe that a motion of that kind cannot be made to-day, but it can be made to-morrow. In the meantime, the report should be referred back to committee.

HON. MR. MILLER—It is only a question of an addition of $100 to the salary of one of the employés of the House, and the House is much fuller now than it is likely to be to-morrow, and the sense of the House is more likely to be taken now than at any meeting to-morrow.

HON. MR. McINNES (B.C.)—I would like to have the ruling of the Chair on the point raised by the hon. gentleman from Richmond, whether it is in order for us to strike out any one portion of that report.

HON. MR. MILLER—If it is the desire of the House to get a straight vote on the matter I will withdraw my objection. In the case I referred to—it occurred this Session—the report recommended the appointment of a certain number of officers, and was the most important report of the committee this Session. That report was referred back to the committee with instructions.

HON. MR. POWER—Before the question is put, I think it is only right that there should be something said about this matter, because there are a number of gentlemen who were not present at the meeting of the committee, and who do not understand the exact position of the question. Some three or four years ago the Contingent Accounts Committee, after inquiring into the matter, reported to this House in favor of giving the door-keeper an addition of $100 to his salary. That portion of the report was not adopted by the House. It was generally understood at that time that the reason why the majority of the House declined to allow the increase to be made to Mr. Rattey's salary was, that it was alleged that that official had taken a somewhat active part in an election campaign here in a sense hostile to the feeling of the majority of the House. Whether that was a good reason or not, of course, was a matter of judgment and discretion, but that was understood to be the reason why the increase was not given.

HON. MR. ALMON—That was not stated in the committee.

HON. MR. POWER—That was the reason, whether it was stated or not.

HON. MR. MILLER—I myself pressed the disallowance, and it was only in consequence of representations made to me, that I had reason to believe afterwards were exaggerated, that I moved against the paragraph in the report.

HON. MR. POWER—Since that time there have been other election campaigns; and there was produced to the committee

a letter signed by the late Mr. Perley and Mr. Robillard, members for this constituency, asking that this addition might be made to Mr. Rattey's salary. I presume that they had understood that owing to his previous political attitude the increase had not been made. The majority of the committee felt that whatever offence might have been committed in the past might be regarded as having been condoned, and they agreed to recommend this small increase to his salary. As to the merits of the case, it has been alleged by some hon. gentlemen that Mr. Rattey's salary is quite sufficient for the work performed. But there is another way of looking at it. We should try to be fair. There are a number of officers in connection with this House, as well as other Departments of the Government, whose places could be supplied at much lower figures, but that is not the way to look at it. Mr. Rattey has been in the service of the House for 33 years. He has had no increase in his salary for some twelve years, while the pay of every other official below and above Mr. Rattey has been increased during that time: and I think that the very trifling increase that is asked for now ought to be granted. Naturally he feels that he has been selected out of a body of officials to be excepted from the general increase, though he is a faithful and efficient officer. He is always here attending to his duty, and attending to it properly, and there is no fault to be found with his character or conduct.

HON. MR. MACDONALD (B.C.)—What is the limit of increase?

HON. MR. POWER—The limit of this increase is $100. That is all that is intended. Since the last increase was given to Mr. Rattey there is hardly an officer in connection with the House whose salary has not been increased by a much larger sum than $100. I am not, as a rule, in favor of extravagance, and I have no special affection for the door-keeper; but I think, as a matter of fair play, he ought to get the small increase recommended in this report.

HON. MR. KAULBACH—The question in my mind is, whether the $800 which he is getting now is sufficient or not. It is not a question whether other officials received additional pay. I shall vote in this matter regardless of the conduct of the door-keeper in the past. It is purely a question whether $800 is sufficient for the services performed.

HON. MR. READ—When this matter was up two or three years ago I took the same ground that I take now. I thought that Mr. Rattey was liberally paid for the duty he has to perform and for the time that it was necessary for him to be here—paid in a liberal manner. If I did not think so I would be the first that would assist in getting him what I considered he should have. If his allowance is increased I must take the same ground that I took before—that we must increase the salaries of some others who are here every day in the year. For instance, the caretaker of the newsroom. I took the same ground before, and it was said that he was liberally and well paid, and that the House did not wish that he should receive it. When it was proposed to increase the salary of the caretaker of the newsroom he said he was well paid, and did not wish to receive it.

HON. MR. STEVENS—He got $100 increase last year.

HON. MR. READ—I am speaking of three years ago, when Mr. Wheeler asked me to say to the House, although the committee recommended an increase, that he thought he was well paid, and did not care to have the report carried.

HON. MR. PERLEY—He ought to have a medal. We are not here to fritter away the public money; we are here to use it in a manner that it should be used.

HON. MR. ABBOTT—I do not propose to enter upon a debate on this question; we have matters of more importance to consider. The reason why I started an objection to this appropriation is that my attention was called to it by several members of the House who were displeased at the appropriation, and I myself think that the salary which the door-keeper receives is ample for his position, and an opinion was expressed in that sense, and in a more extended sense, by the Joint Committee on Economy of both Houses last year, where it was decided and agreed unanimously that $800 a year was enough for our door-

keeper. This addition would put him within a fraction of the same position as the senators. However, that is not a matter of very much importance. It appears to me that the amount he receives is ample for the position he occupies.

The House divided on the amendment, which was lost on the following division:—

CONTENTS:

Hon. Messrs.

Abbott,	MacInnes (Burlington),
Almon,	Merner,
Cochrane,	Murphy,
Dever,	Odell,
Glasier,	Ogilvie,
Howlan,	Perley,
Kaulbach,	Prowse,
Lougheed,	Read,
McCallum,	Smith,
McKay,	Sullivan,
McKindsey,	Vidal.—23.
McMillan,	

NON-CONTENTS:

Hon. Messrs.

Armand,	McClelan,
Baillargeon,	McInnes (B.C.),
Boucherville, de,	Montgomery,
Chaffers,	O'Donohoe,
Clemow,	Pâquet,
De Blois,	Pelletier,
Flint,	Poirier,
Girard,	Power,
Grant,	Reesor,
Guévremont,	Ross,
Haythorne,	Scott,
Lacoste,	Stevens.—24.

HON. MR. READ—I call the attention of the Speaker to the fact that a gentleman voted who was not in the House when the resolution was read.

HON. MR. POWER—Even if that is correct, the motion passes in the negative, being a tie.

THE SPEAKER—The amendment is lost. The next motion will be for the adoption of the report.

The motion was agreed to, and the report was adopted.

WINNIPEG AND HUDSON'S BAY RAILWAY CO.'S BILL.

SECOND AND THIRD READINGS.

HON. MR. GIRARD moved that the Rules of the House be dispensed with in so far as relates to the Bill intituled: "An Act respecting the Winnipeg and Hudson's Bay Railway Company," and that the said Bill be now read the second time. He said: I am glad to be in a position to inform the House that an understanding has been arrived at between those who were opposing the Bill and the parties interested in the project. The understanding is to limit the operations of that great enterprise. I was not surprised at all at the opposition to the Bill, because there was naturally some apprehension felt owing to the magnitude of the scheme, but now that the matter has been understood I think there will be but one voice in this House, to give these parties a chance to go on with their work. The limitation is that the corporation will construct its line to the rich valley of the Saskatchewan and establish communication with that part of the country. I shall have an amendment to submit for the approbation of this honorable House, providing for the construction of the line to the Saskatchewan River within four years.

HON. MR. READ—This Winnipeg and Hudson Bay Railway has been before us several times, and the great mistake that Parliament made, in my opinion, was ever to give the company a charter at all to induce people to put their money into such an enterprise. From any information I can get, I do not think it can ever be a success, and it is our duty to check such wild projects as far as possible, and prevent serious loss to people who may be induced to invest in them. There is a great deal in giving the sanction of Parliament to an enterprise. I have a very vivid recollection of the prospectus that was issued for the Grand Trunk Railway. If my memory serves me, it was issued by four representative and enterprising men of this country, Messrs. Holton, Galt, Macpherson and Gzowski. It had the approbation of the Premier and the Governor General of this country. The prospectus started out by showing that the stockholders were to receive 11½ per cent. on their capital. Many persons subscribed: unfortunately, some of my family subscribed for a very large amount of money. The result has been great loss, and many families suffered severely who would not have invested if the scheme had not been sanctioned by the Governor General and influential men in this country. Now, instead of 11½ per cent. what did they get? Those that subscribed and paid £100 of stock in 1851 could not get to-day more

than £11 10s., or £12 for it, and they have never received one sixpence of interest.

HON. MR. PERLEY—Would you do without the Grand Trunk Railway?

HON. MR. READ—I am not talking about that; I am talking about the stockholders who were induced to subscribe by misrepresentation. The stock which cost £100 was sold as low as £6. I sold $150,000 worth of stock at £19. Those who bought it had their eyes open and knew what they were doing, but they bought it as a speculation. Those who subscribed originally bought on false representations.

HON. MR. McMILLAN—What has that to do with the Hudson Bay Railway?

HON. MR. READ—I am coming to it. I am showing how capitalists have been deceived, and I want to show that we should be careful how we sanction any enterprise of this kind, because we are held accountable when we do so. The Grand Trunk Railway stock stank in the nostrils of financiers in Englaand for twenty or thirty years. I have met people in England who refused to listen to any representations about Canadian stocks, from the experience they had had of the Grand Trunk Railway. Parliament has given its influence and money in support of the Caraquet Railway, and in that instance great losses have resulted to those who put their money into it, and those who have been deceived hold the people of Canada responsible. I do not think that should be the case, but when we charter companies to undertake such enterprises people do hold us responsible. Then we had a prospectus issued for another enterprise—the Dead Meat Company. I have never seen the prospectus of that company, but I understand that it started out by saying that cattle were sent from Three Rivers to Chicago to be slaughtered, and that the meat was brought back for shipment to England. What had been the result of that? People had been defrauded, and a Chancery suit has been brought to wind up the company, and everyone who has had anything to do with it has been denounced. There were some of the first men of this country connected with that scheme. Those who do not understand such things might suppose that a fraud was practised on the people who subscribed £100,000 and who expect to lose a large proportion of that money. When the gentlemen interested came out here and found that cattle were not taken from Three Rivers to Chicago to be slaughtered, and, in fact, that they could not get enough cattle in the country to supply them, they asked permission to bring cattle to Three Rivers and slaughter them there, so that they could go on with their enterprise, but that could not be done. These are some of the reasons why I think Parliament should be careful in giving charters. The mistake in this country has been that Parliament has sanctioned enterprises which are likely to entail loss on those who embark in them. Now, is this Hudson Bay route feasible? Since the late Senator Ryan first introduced the subject in this House I have given some attention to it. For two hundred years this northern route has attracted the attention of the people of England and a great deal of information has been collected on the subject. I have read a good deal about it and have never been able to find any evidence to satisfy me that the navigation of Hudson's Straits is practicable for commercial purposes. In one case I find in the diary of a vessel that she was frozen in the ice in Hudson's Straits on the 31st of July. That may have been an accidental thing, but there is a great deal of evidence to the same effect. In 1857 a committee of the British House of Commons was appointed to enquire into this Hudson's Bay Territory, and a great deal of evidence was taken. Six thousand questions were put to witnesses, some of which, and the replies to them, I will read to the House.

Captain David Herd was called and examined by the chairman, as follows:—

"I believe you have, as the captain of a merchant ship, been connected with the Hudson's Bay Company?—I have.

"How long have you been so connected?—For the last 23 years.

"What has been the nature of that connection?—I was an officer of one of their ships for three years; and I think I have commanded one of them now 18 or 19 years.

"What has been the nature of the trade conducted by those ships?—I merely take the ship backwards and forwards; they put on board whatever they have to put on board, and I take it.

"To Hudson's Bay?—To Hudson's Bay—York Fort.

"What are the capabilities of the Hudson's Bay, with regard to whaling?—I have been going there for the last 22 years and have never seen a whale but once; that was last year; I saw one whale; I have seen what are commonly called whales, but they ar porpoises.

"Assuming that there were whales, is the state of the sea, with regard to ice, such that whaling could be carried on in it?—No; I do not believe that it could; I do not believe that whales will ever go amongst ice myself.

"For how many months in a year is the Bay closed to shipping by ice?—I should think it is open only from six weeks to two months in the year.

"And during the rest of the year it is not navigable?—It is not navigable. We generally arrive there about the 10th or 15th of August, and get away again about the 15th or 20th September.

"And if you do not get away as soon as that you are liable to be kept there the whole winter?—Yes. I have known 13, 14, 15, 16, and even 20 degrees of frost when we have been coming away on the 25th of September.

"And you are often delayed on your passage out by the ice in the Straits, are you not?—Sometimes we go through the Straits in four days, and at other times we are five weeks.

"That is in the beginning of August?—Yes."

I could quote a great deal more of evidence of this kind, but I will read only one more extract from the report. It is as follows:—

"Did I rightly understand you to say that you did not think that any greater facilities would arise from the use of steamers in that sea than from the use of sailing vessels?—If my opinion were to be given I should say decidedly not; they might succeed very well in one year, but take the average of years I think myself that a sailing vessel is far preferable.

"Has not the experience of the Arctic Expeditions rather a contrary tendency?—The Arctic Expeditions were carried to a certain distance; but we must get to the other side and get back in time before the season sets in. If we met with any accident to our machinery where could we go to get it repaired; we should lose our voyage.

"On the other hand, would not a steamer, being quicker, enable you to go there and back again in less time?—It would entirely depend upon the state of the ice.

"I refer to the season from the 10th of August to the 20th of September?—I have been as late in Hudson's Straits as the 25th of August, beset amongst ice; it has been the 25th of August before I have got out of the ice going out, before I have got out of the Straits: then, when I have been coming home again I have been in the ice 17 days and even three weeks."

I will now read a few extracts from the report of Captain Gordon. He says:

"On 2nd August, got under way and proceeded for Cape Chudleigh Station (Port Burwell). I took Mr. Skynner on board at Nachvak, leaving his two assistants, Messrs Jordan and Rainsford, to carry on the work during the summer.

"We found scattered ice all the way run tight together. It now shut down dense fog, which, however, cleared off about 9:30 a. m.; the ship had meanwhile got fast in the pack and we were carried nearly through Gray Strait by the tide when still fast, then back again for about six miles, but when the tide was about half ebb the ice slacked off and we were able to steam to the westward. Dense fog again set in just before we were clear of the Strait; I therefore steamed north-west (mag.) and lay to in the ice for the night.

"All day of the 6th met large quantities of ice, some of it very heavy, but as opportunity offered, worked the ship to the westward; made from noon of the 6th to noon of the 7th about thirty-seven miles, nearly all of which was made on the afternoon of the 6th. A little before noon of the 7th the ice ran abroad a little, and we were able to work through at about four knots an hour. During the afternoon we passed the Hudson's Bay Company's two ships, the 'Princess Royal' (barque) and the 'Cam Owen' (brigantine). We exchanged numbers with the 'Princess Royal' and steamed up close to the 'Cam Owen' and spoke to Captain Hawes. The latter vessel had been moored to heavy icepan for several days, waiting for her consort to come up.

"All of the 8th and up to 6 p. m. of the 9th the ship was jammed, but from this time up to midnight the ice ran abroad and we made about twelve miles to the westward, but the ice closing in at midnight, the ship was again fast, and remained so up to 8 a. m. of the 11th. At this time the ice ran abroad, and at 2 p. m., having made about twenty-two miles to west by north-west, we were clear of the body of the ice. The weather was now very thick, but as the ice was very much scattered, we had no difficulty in making our course."

Then, we have the evidence of Captain Hall. He says:

"It is stated in the report of ice met with in the 'Alert' that no ice was met with on the homeward voyage. The 'Cam Owen' sailed from York Factory on the 27th September, 1885. On the 3rd of October they came up with the ice between Cape Pembroke and Mansfield Island, and from this date to the 21st she was fast in the pack, getting clear of the ice on the 24th and passing out of the Strait on 27th October, pretty well loaded down with ice.

"Captain Hawes places the probable period of navigation for steam vessels properly fitted for ice work as seldom exceeding three months—15th of July to 15th October."

Captain Gordon in his closing reports says:

"In Hudson's Straits for the first twenty days of August the ship was always in the ice; the average surface water temperature for this period is 31 degrees 3 minutes. On the 21st the ship got clear, and when clear of the pack we found the temperature on the south shore, and west to Nottingham and Digges, up to 36 degrees and 35 degrees. In September the temperature of the western end of the Straits is 33 degrees, and at the latter end of the month in the eastern half, no mean of a day, while at sea, was as high as 32 degrees.

"The sea temperature conditions observed in Hudson's Straits this year are exactly the reverse of those found in 1884, on the voyage made in the 'Neptune.' In 1884 the ice met with was heaviest on the south shore and in the west end of the Straits. In 1885 all the ice was on the north shore and the east end of the Strait. Similarly, in regard to temperature, on page 12 of the Hudson's Bay Expedition, in 1884, the fact is recorded that the highest temperatures were fonnd in the eastern end of the Straits; in 1885, both going out and coming home, the surface temperatures were higher at the west end of the Straits."

HON. MR. O'DONOHOE—It seems to me that this speech would have been appropriate from my hon. friend's point of view if it had been made when the charter was sought for, but I submit, at this period of the Session, when we are so anxious to complete the public business, the speech of the hon. member is not at all applicable to the question before the House. The case which is before us is that of a com-

pany who got a charter from this House, who have acted under it in good faith and constructed some forty miles of their road and expended $500,000 and are now applying for an extension of their charter. They were anxious to get a subsidy, and a very large number of members in the other House joined in recommending that a subsidy be granted. Promises had been made day after day until the Session came nearly to a close, and finally it was found that no subsidy would be granted. The promoters of this road, in consequence of their disappointment, come before us now and ask for an extension of time, not only to construct their road, but to make their financial arrangements. It seems to me that their demand is reasonable, and it occurs to me that at this stage of the Session we should lay by ornament or circuity of speech and, in as few words as the subject would admit of, deal with the question at issue. I understand that my hon. friend does not intend to oppose the Bill, and that being so, we ought to get at the question with the least possible delay. I am perfectly satisfied that this House, having granted a charter, and the company having invested their money in the actual construction of the road, will feel that there is no alternative left, consistent with honor, but to vote for the Bill and give the company an opportunity to prosecute the undertaking.

HON. MR. READ—I don't know that the House is uneasy, but it is not my fault if they are. It is the fault of the gentleman who brings up the measure at the last moment. We are told that a great number of members have signed a requisition to the the Government to grant aid to this enterprise. It is very easy to get a requisition signed. My hon. friend from St. Boniface is so kind and nice that he could get nearly every man in this House to endorse almost anything he would put before them. I could not endorse such a scheme as this or sign such a requisition: it embarrasses the Government, and I have to thank them for their firmness in resisting the pressure brought upon them in this case, because I think that they were quite correct in the course that they took. What have we been doing the last few years? Have we not been increasing our expenditure from year to year? I anticipate that if this Bill passes this company will come here again for money, and that is why I rise in opposition to this scheme. We have been making great strides: is it not time for us to stop and take breath? Let us see what expenditure we have been making, and how our taxation has increased, and judge whether we should be careful in the future. In a very few years our Customs receipts have increased from $13,000,000 to $24,000,000 and our revenue from excise has increased very largely since Confederation; we have gone heavily into debt, for good works, it is true, but still the indebtedness is there and the interest must be paid. We have built the Intercolonial Railway at a cost of $40,000,000, we have expended $62,000,000 on the Canadian Pacific Railway, and perhaps that is not the last of it. There is an arbitration going on, and goodness knows what that will result in. We have expended $41,000,000 for canals, and for what purpose? Are we building these canals, and making this large expenditure for the trade of Ontario? Is the Sault Ste. Marie Canal entirely for the benefit of Ontario?. Is the Welland Canal entirely for the benefit of Ontario? How much of the produce of Ontario does the Welland Canal carry? It carries an infinitesimal quantity of the produce of this Province. I admit that the St. Lawrence Canals carry a large amount of our produce, but for this $41,000,000 that we have expended, are we not to expect some business on the upper canals to reimburse the country for so large an outlay if it was for nothing else? Even though the Hudson Bay road could be made a success, I doubt if we should be so generous as to take everything out of our own pocket and give it to others. Canada should have some return for this enormous expenditure. I remember, when there was first a talk of taking in the North-West, Sir Alexander Galt made an estimate that wheat could be brought from Winnipeg to Montreal for 17 cents a bushel. It is now actually brought from the producer to Montreal for 15 cents a bushel, and it will be cheaper yet. The North-West farmers can grow wheat for 25 cents a bushel cheaper than they can in any other part of Canada. I have a letter to-day from the North-West in which a young man writes me: "I have just finished sowing 70 acres of wheat and I put it in myself without any help. My farm is 16 miles from where I live."

HON. MR. PERLEY—That was only a week's work for a common man.

HON. MR. READ—We have made these large expenditures, and have made provision to pay the interest. The country is on the whole fairly prosperous, though I admit that tillers of the soil all over the world have a very hard time of it, farm produce being so exceedingly cheap, but they must only live in hope, and no doubt better times will arrive. I have merely to say that I think we must and should look for some return for this large expenditure we have made to get into that vast country, an expenditure that few people would dare to undertake. If the people of Canada were not energetic, industrious and enterprising we could not have done it, our credit would not stand at the same rate as it does now in the markets of the world.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On the 1st clause,—

HON. MR. GIRARD moved that the clause be amended by adding after the word "completed" the words "to the Saskatchewan River."

The amendment was agreed to.

HON. MR. SULLIVAN, from the committee, reported the Bill with an amendment.

The report was received and adopted, and the Bill was read the third time, and passed.

LABOR STATISTICS BILL.

THIRD READING.

Bill (148) "An Act to provide for the collection and publishing of Labor Statistics," was reported from Committee of the Whole without amendment.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. POWER—This is supposed to be a Bill in the interests of the laboring classes. I am not able, myself, to discover anything in which it is to be particularly useful to the workingman, so called, and the hon. gentleman who has charge of the Bill has not informed the House as to the manner in which this measure is going to improve the condition of the working classes. Some years ago the Government appointed a Commission, and the members of that Commission went about the country taking evidence for a long time, which, when published in book form, made a large volume indeed. I am not aware that the country has received any benefit from the collection of that evidence and the publication of it. I do not think the workingmen are any better off now than they were. It is true that a certain number of workmen who had made themselves somewhat conspicuous as election agents had good pay and comfortable quarters for some months, while the evidence was being taken; and I have no doubt that the rest of the workingmen felt very happy over the fact that certain workingmen, who happened to be tradesmen, and who at the same time happened to be very energetic Conservatives, were paid good wages and furnished with pleasant quarters for a considerable time. I do not care to make any predictions as to the measure before us, but the central feature of this Bill is that there is to be a new Department or branch of a Department, to be called the Bureau of Labor Statistics, and we begin by appropriating $10,000 for it. I have no doubt that, by the time the next election comes off, there will be a considerable number of gentlemen who have distinguished themselves as workers for the Conservative party who will find themselves provided with comfortable quarters in that Labor Bureau. Beyond that I do not know that the workingmen will receive any benefit from the passing of this Act. If the Government really wished to benefit the class for whom this Bill is passed they would take steps to get rid of a portion of their surplus revenue by reducing the duties on the necessaries of life, which are the workingmen's raw material. That would be a practical and positive good to all the workingmen in the country. The operation of this Bill, as far as I can see, will be a substantial benefit to a select number of Conservative workingmen. It is only right to say that while that is my view of this measure, I am glad that the workingmen in the Conservative party are going to get their share of the good things which have been going amongst the higher

members of the party during the last twelve years. In that way I am glad to see the Bill go through.

HON. MR. KAULBACH—It seems to me that this Bill is in the interest of the working classes as regards the sanitary condition of their dwellings, their working rooms, and their hours of labor. My hon. friend has never shown much interest in the workingmen, and he talks of reducing the duties on the necessaries of life. We all remember when the Reform party was in power that we had to provide soup kitchens for the workingmen. Since the present Government came into power the workingmen have found plenty of employment and can earn sufficient to feed and clothe themselves comfortably, and the prices of the necessaries of life have been reduced so that the workingman to-day is in a far better condition than he was under the Reform Government. It is surprising that my hon. friend cannot see these things, and as long as he and his colleagues harp upon this same string, the longer they will remain in the cold shades of opposition. It is evident that the laboring classes are prosperous, and that everything necessary for the sustenance of the working classes has been rendered cheaper.

HON. MR. ALMON—I am glad indeed to hear what has fallen from my hon. friend the senior member from Halifax. He has made a prophecy: he says that this Bill is being introduced in order to provide positions for supporters of this Government after the next election.

HON. MR. POWER—I said before the next election.

HON. MR. ALMON—I was going to thank my hon. friend for his prophecy that the Conservatives are to be returned to power at the next election.

HON. MR. ABBOTT—I think that the Government may safely leave to the decision of the parties interested in this Bill to say whether my hon. friend's theory of Government, or the theory upon which the Government has acted, is the right one. My hon. friend thinks, and I think he is pretty much alone in that opinion, that the acquisition of statistics upon any particular subject is of no special value.

HON. MR. POWER—I did not say so.

HON. MR. ABBOTT—That the acquisition of statistics about labor and industry, under this Bill, has no value, and will not benefit the people who are interested in labor. I am not going to offer an opinion upon that. The rest of this continent and a large part of the continent of Europe are of a different opinion from my hon. friend, and I am content to be of the opinion of the majority in that respect. My hon. friend prophecies many evils of this Bill, or rather characterizes them as not being an unmixed evil that a certain number of Conservative workmen will get warm places in the Bureau that is to be created under this Bill. My hon. friend's prophecies are as little to be valued, in my estimation, as his opinion of the motive of the Government in relation to this measure, or his project for benefiting the workingmen of Canada by destroying the industries by which they live, which is another project of his in which I do not concur, and which I leave to the arbitrament of the workingmen themselves, who will be afforded an opportunity before long to give their verdict on these two things, viz., whether it is to their advantage to have a Bureau of Statistics and Labor, and also if it is to their advantage to foster the industries of the country in order to give them employment at remunerative rates.

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

BOUNTY ON PIG IRON BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (149) "An Act to make further provision respecting the Bounty on Pig Iron manufactured in Canada from Canadian Ore." He said: There was some little discussion about this Bill last evening, and it is scarcely necessary to further inform the House of the object of it.

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

The House resolved itself into Committee of the whole on the Bill.

(In the Committee.)

On the 1st section,—

HON. MR. SCOTT—This Bill is in a line with the Tariff Bill, only a little worse. We ought, if we introduce that practice, to carry it out with respect to other industries. This industry was favored as far back as 1879-80—that is, by the adoption of a high tariff. One would suppose that the duty on iron having been increased to the abnormal plane it was placed upon would have been a sufficient protection for any establishment that would be opened in Canada. It has not proved sufficient, so we enter upon the mad career of paying the manufacturers for making iron in this country—taxing the people in order that an establishment existing in one Province may make money. Sir Leonard Tilley, when he first introduced this proposition, prophecied that we should have iron industries established all over Canada, and forty or fifty thousand men were to be employed in this industry in the different Provinces where it is known iron abounds. But everybody knows that that prediction has not been fulfilled. He proposed then a bounty of $1 a ton. However, that was found not to be sufficient; the infant industry could not live on the narrow support it got from the public treasury, so the bounty was increased to $1.50. This Bill proposes to again increase it to $2—not only that, but to tie up the hands of Parliament, so that this large bounty shall continue to the year 1897. The very experience we have gathered in this Londonderry iron works ought to be a sufficient warning to us to depart from the policy on which we are now proceeding, because the natural result of the high tariff and the bounty ought to be that the Londonderry iron works should make the iron for this country, if the industry was one suited to the circumstances of the Dominion. Now, that is what was believed would be the result; but it has not been the result. Our importations of iron have not gone down, but they have steadily increased. In 1887 we only imported 45,295 tons of iron; in 1889 we imported 73,844 tons. That shows that this iron industry at Londonderry has not supplanted the importation of iron. It was believed that if it were favored to that degree that the people of this country should be taxed $4 a ton on the iron, with a bounty of $1.50 per ton additional, that that ought to have been sufficient to sustain them. It has not been found sufficient. The gentlemen who put their money into that industry have not received the results from it that they naturally expected from their investment. The misfortune was that the investment was not a judicious one. There are lots of investments in this country that are judicious and proper, and if they put their money into them they are sure to get 10 or 12 per cent. of a return. Then why should we put money into industries that are not indigenous to the country? I have no doubt that these men would be very glad to sell out to-day, and would it not be better to make a loss now than to continue an industry that cannot be profitable in Canada? Pig iron can be made cheaper outside of Canada. The evidence of that is that our importations have year by year increased. If that is the fact, surely it is evidence that we cannot, even if we impose a higher duty, make the manufacture of iron here a success. I am quite ready to concede that if we could make the iron industry a success in this country it would be an excellent thing, because we have abundance of iron ore in this country, from the Atlantic to the Pacific, of a superior quality, and I have no doubt that the day will yet come when the consumption of iron in the Dominion will be so large that more capital will be invested and the iron industry will be made more profitable. But it is quite evident from our importations that those industries we have been favoring by annual drafts on the public exchequer have not been a success. I venture to say that when this tariff has terminated it will be found that the extra assistance that has been given to this industry has not proved sufficient to give it that vitality which its promoters had hoped for. Sir Leonard Tilley, in announcing the policy as far back as 1883, predicted that the next year's output would be 40,000 tons. I have not the figures of the output since that time, but I am told that in 1888 it fell to 23,000 tons, and on the face of that we imported more than double the quantity. In 1889 we imported 73,000 tons of iron.

HON. MR. KAULBACH—Not pig iron.

HON. MR. SCOTT—Various kinds of iron, of which pig iron is the basis. Of course it is subject to so many sub-divisions, this iron industry, that I do not

profess to give the figures of the various classes of iron, for in the Trade and Navigation Returns they come under fifty different heads. If it was a successful industdustry the iron manufacturers would not come here year after year to ask for a further increase, and I have not yet heard anybody announce that even the increase of $2 per ton will be sufficient to maintain it. If it is not sufficient, then, is it wise to continue it? Is it wise for the people themselves who invested their money there to endeavor to force returns where returns cannot be obtained?

HON. MR. KAULBACH—I think the prophesy of Sir Leonard Tilley has been largely fulfilled. The importations that my hon. friend speaks of are manufactured iron. There are many tons of manufactured iron produced in this country also, and manufactured into all kinds of machinery, implements, etc., of the finest nature, better than we can import. Nova Scotia is admirably situated for the development of this industry. We have there the coal and iron in close proximity, and I say it is a trade that is growing and will grow, and has given employment to thousands of people in this country. I would suggest to the hon. gentleman to cease running down the industries of this country the way he is doing. My hon. friend harps continuously on the National Policy. It is a bug-bear to him. He should adopt a new line, and take a new start; for as long as he continues to run down the industry and the credit of the country he will remain in the cold shades of opposition.

HON. MR. CHAFFERS, from the committee, reported the Bill without amendment.

HON. MR. SCOTT—I see from the Blue-book that I was right in my quotation. Last year the importation was 73,000 tons of pig iron.

HON. MR. ABBOTT moved the third reading of the Bill.

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

THE INTEREST BILL.

COMMONS AMENDMENTS ADOPTED.

The Order of the Day being called—

Consideration of amendments made by House of Commons to (Bill X) "An Act to amend Cap. 127 of the Revised Statutes of Canada, intituled: 'An Act respecting Interest.'"

HON. MR. ABBOTT said: This Bill came up and was discussed for a moment yesterday evening. The Bill as we amended it repealed the penal clauses respecting usury which prevails in Ontario and Quebec. These were the 9th, 10th and 11th clauses. The House will observe that the Bill is composed of two parts. The first part makes a general law respecting interest. It provides in a few paragraphs that any person may stipulate for any rate of interest which is agreed upon, and whatever is payable, where there is no agreement, the rate shall be 6 per cent. These clauses are applicable to the whole Dominion. There is a provision to the effect that this is to be the rule throughout the whole Dominion of Canada, unless it is otherwise provided in this Bill or in any other Act of the Parliament of Canada. The second portion of the Bill consists of the reproduction of certain limitative, penal clauses, from the laws of the different Provinces. These are not made exclusive, as I understand them—that is to say, they do not compel the observance of these provisions in the different Provinces, and they have, in fact I understand, entirely dropped out of use. The penal clauses with regard to Ontario and Quebec were repealed under that idea, because it seemed unnecessary longer to encumber the Statutes with them, as they only gave rise to discussion, when it was important that business should be unfettered. In this House we amended the Bill in that way and sent it down to the other House. In that House members from the lower Provinces raised the question: Why should Quebec and Ontario be relieved from these clauses, or why should they be struck out of the Statute-book when there were other clauses referring to other Provinces which were just as great cumberers of the space in the Revised Statutes; and after three discussions on the subject, participated in by members of the legal profession from all the lower Provinces—Mr. Weldon from New Brunswick, Sir John Thompson from Nova Scotia, and Mr. Davies from Prince Edward Island—it was unanimously concluded in the House that there was no possible reason for retaining these clauses constituting the second part of the Bill, and they should be repealed, and the House of Commons repealed them accordingly.

It is that amendment we are asked to concur in—to extend the repeal of the penal clauses relating to Ontario and Quebec to the penal clauses respecting the Lower Provinces. These clauses only referred to such actions as were entered into before 1873. Now, what reason can there be for retaining such clauses upon the Revised Statutes? It was at the instance of learned gentlemen from these Provinces that these clauses were repealed in the other House, and I ask that this House concur in the amendments.

HON. MR. POWER—The Bill, as we sent it down to the House of Commons, was a Bill for this purpose: Section 7, of chapter 127, of the Revised Statutes, made certain provisions as to interest secured by mortgage of real estate, where the principal money or interest was not payable until a time more than five years after the date of the mortgage; and it was felt that that section operated unfairly, apparently, in the case of mortgages given by joint stock companies or other corporations, and the whole purport of this Bill was to take mortgages given by joint stock companies or other corporations out of the operation of section 7 of the Statute. That was a Bill with a very small object. The Bill that we sent down also provided that sections 10 and 11 of that chapter of the Consolidated Statutes should be repealed. Sections 10 and 11 deal altogether with corporations other than banks. Now, the House of Commons propose to sweep away all the restrictions on interest in the Provinces of the Dominion. The Bill which we passed practically applied only to Ontario and Quebec. The question, as I said at a previous stage, as to whether there should be any limitation on the rate of interest allowed, or not, is a question for discussion. Hon. gentlemen opposite who take the view that the Government should take a paternal interest in the welfare of the subject and should interfere in his every-day life a great deal ought, I think, to hold that the farmer, who is just now one of the people supposed to possess their friendship, should not run the risk of being obliged to pay more than a reasonable rate of interest on the mortgage of his land. What the free traders think is another thing; but you would suppose, naturally, that free traders would go in for free trade in money as well as in other things. What are the provisions of the amendment which the hon. gentleman proposes to accept, and by which he proposes to repeal these penal clauses? Take my own Province, for instance. Section 13 of the Act provides:

> "Any person may stipulate and agree in writing for any rate of interest not exceeding 7 per cent. per annum, for the loan or forbearance of money to be secured on real estate or chattels real; and any person may stipulate in writing for, or may receive in advance any rate of interest not exceeding 10 per cent. per annum, whenever the security for the payment of the money consists only of personal property or the personal responsibility of the person to whom forbearance is given, or of others."

Now, surely 7 per cent. on a mortgage and 10 per cent. on personal security is a high enough rate of interest. That was the rate which was fixed by the Parliament of Canada in 1873. Previous to that it had not been legal in Nova Scotia to take more than 6 per cent. interest. Hon. gentlemen may say that money will only bring what it is worth; but I know of cases where serious hardships have been inflicted upon poor people, who were obliged to mortgage their property, and who were not skilful enough, or did not know enough, to employ the right kind of solicitor to get their money at a low rate. I contend, as a matter of fact, it is the duty of Parliament to see that an undue rate of interest is not charged upon mortgages of real estate. If a lender is allowed to charge 8 per cent. or 9 per cent., practically the property is gone. I think that is one of the ways in which this House may show its care for the workingman, and we can do more for him, possibly, by rejecting these amendments than by passing a Bill to establish a Bureau of Labor Statistics. I can understand that by preserving a judicious restriction in the rate of interest we may leave him a little more in pocket at the end of the year.

HON. MR. MCKAY—You can borrow money now at 5 per cent.

HON. MR. POWER—No doubt, if one knows how to go about it; but there are plenty of people paying 7 per cent. to-day. The leader of the House quoted the penal provisions from the Nova Scotia law, but he did not call attention to the fact that those penal provisions applied only to contracts that had been entered into——

HON. MR. ABBOTT—Yes; and I gave the date and read the figures.

HON. MR. POWER—I say the hon. gentleman did not call attention to that fact. I thought the hon. gentleman was nothing if not logical, and the hon. gentleman wanted to show that there was a penal statute in force in Nova Scotia. Inasmuch as that penal statute applied to contracts only before the 23rd of May, 1873, it is practically not in operation now.

HON. MR. ABBOTT—So I said. These are the words I used: that it was absurd to keep such a clause on the Statute-book.

HON. MR. POWER—That clause has become effete by the lapse of time. It might be well to repeal it, but what I object to, as far as the Province from which I come is concerned, is to repealing section 13, which limits the rate of interest to be taken on mortgage of land to 7 per cent., and other securities to 10 per cent. It does not render the contracts invalid; it simply hinders the lender from recovering more than the proper rate of interest. There are similar provisions with respect to the Provinces of British Columbia and Prince Edward Island. As far as I know, no petition has come from any of the Provinces asking that these restrictions on the rate of interest should be abolished. These restrictions, I contend, are in the interests of poor people. You can always trust the man who has money to lend to take fairly good care of himself, and the people we have to take care of are those who have to borrow money, more particularly on mortgage. What the hon. gentleman says with regard to the legal gentlemen in the House of Commons may be correct, but the fact is, that as a rule these legal gentlemen are solicitors for money lenders—either incorporated money lenders or individual money lenders—and when the change was made in the rate of interest in 1873 it was done in the same way. There was an attempt made to change the rate of interest in Nova Scotia previous to 1873, but the attempt did not succeed. The immediate effect of the change in the rate of interest in Nova Scotia was to raise the rate on mortgages in the city of Halifax almost in every case from 6 per cent. to 7 per cent.; and the further effect was to render it impossible for builders to go on and build. They had been in the habit of borrowing money to build houses, and they were unable, in a great many instances, to continue that business on account of the increased rate of interest. My point is this: the question as to whether there shall be a limit to the rate of interest or not is a debatable one; but to say that we should, at the last hours of the Session, by an amendment introduced without notice, without going through the various stages that a Bill goes through, and without the knowledge of the public, sweep away all restrictions on the rate of interest throughout the country, is unquestionably improper, and I think it is the duty of this House not to concur in that amendment. If the the Government are prepared to take the responsibility of doing away with all limitation on the rate of interest let them introduce, at the beginning of next Session, a measure to deal with the subject. Then, after the subject has been properly discussed in both Houses, we can judge whether it is best to pass such a Bill; but to sweep away all restrictions on the rate of interest by an amendment to an unimportant Bill like this, is a grossly improper and, in my opinion, a tricky proceeding. It is a disingenuous and unstatesmanlike proceeding.

HON. MR. KAULBACH—I think there is a restriction on joint stock companies and corporations. I know for the last fifteen years no mortgage exceeding 7 per cent. could be given on real estate. If you charge more interest you cannot recover it on foreclosure. I do not think there is any necessity for limiting the rate of interest in Nova Scotia now. There are companies in the Province that lend money at 5 per cent. and 6 per cent. I think if we fix a legal rate of interest it will have a tendency to keep up rather than diminish the rate of interest.

HON. MR. ABBOTT—The only one of the sections to be repealed that really bears on the present rate of interest is section 13, which my hon. friend read. The others have no real bearing on the law at present.

HON. MR. REESOR—Does it interfere at all with the law of Ontario?

HON. MR. ABBOTT—I do not think it does. There is only section 13 about which

there could be any possible discussion. My hon. friend's arguments on the subject of the rate of interest are very familiar to old members of the House of Commons. My hon. friend from Ottawa and some other members in this House are aware that twenty years ago we had this subject debated over and over again. It was a very debatable subject, no doubt, at the time, and many objections were made to the freedom of trade in money, and it was only by repeated stages that at last it reached its present one. My hon. friend says that leaving in this clause limiting the rate at 7 per cent. and 10 per cent. will protect the poor man. How can it protect the poor man when at present very little money is loaned at such a high rate? But what has been the effect of changing the law on interest now re-produced in these Revised Statutes? At the time the discussions were going on interest ran up from 8 per cent. to 10 per cent.; every one knows that 8 per cent. was the common rate in those days.

HON. MR. POWER—The rate of interest has gone down all over the world.

HON. MR. ABBOTT — Yes; because freedom of trade in money has been conceded in nearly every civilized country, certainly in all those countries which are most advanced in civilization, and the consequence is that money has found its level, and it can now be borrowed at rates not much more than two-thirds the rate that prevailed when the restrictions which my hon. friend would continue existed in full force. In those days there was a restriction to the rate of interest, and the consequence was that, at that time, the rate of interest was very high. It has been gradually falling ever since these restrictions were removed, and has now reached a point where the lending of money is scarcely remunerative at all. I find that Sir John Thompson, who is a tolerable authority on the subject, and who could hardly be accused of giving his opinion as Minister of Justice in the House of Commons contrary to his real views because he happened to be a solicitor for some loan company — I do not know whether he is or not; I rather think he is not; but that was the view of the hon. gentleman, that the lawyers in the House of Commons were prejudiced because they represented loan companies——

HON. MR. POWER—I said they represented money lenders. I was not thinking of any particular member at all.

HON. MR. ABBOTT—I am myself willing, as respects Nova Scotia, to lean on the authority of Sir John Thompson and the unanimous opinion of the whole of the representatives of Nova Scotia in the House of Commons. I think that is pretty good authority, that and our own principle, which we have been acting on every year. I will read what Sir John Thompson says:

"I do not see why they should not be repealed. There are special provisions all through this Act relating to the different Provinces, the policy being apparently to keep in force the old usury laws of the Provinces while there was a possibility of contracts made under those old usury laws having force, and preserving likewise the penalties, so far as they relate to contracts. We have, however, run through a period of twenty-three years, and I think that the effect of these provisions has ceased. It is on that principle, apparently, that the Senate has adopted the second clause of the Bill which repeals certain provisions relating to Ontario. I have no objections to the hon. gentleman's proposal to repeal the special provisions relating to New Brunswick."

That was extended afterwards to all the Provinces.

HON. MR. DEBOUCHERVILLE—Will the amendment, if accepted, take away any restriction on the rate of interest on money loans?

HON. MR. ABBOTT—Judging from what I know of the law of Nova Scotia—although Sir John Thompson speaks differently—it would appear to take away some of the restriction in Nova Scotia, and allow them to lend money at the rates of 7 and 10 per cent.

HON. MR. ALMON—You can lend money in Nova Scotia at any rate up to 10 per cent. on notes or any other security.

HON. MR. DEBOUCHERVILLE—If this amendment passes they can lend money on mortgages at any rate up to 7 per cent.

HON. MR. ABBOTT—Yes; if they can get anyone to borrow money at such rates.

The motion was agreed to on a division.

SUBSIDIES IN AID OF RAILWAYS BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (167) "An Act to author-

ize the granting of subsidies in aid of the construction of the lines of railways therein mentioned." He said: This is a Bill similar to one which we have had before us every Session for a number of years, differing only in this, that it proposes to grant a smaller sum than has ever been before allotted in this way to railway companies. There are a large number of railways affected by it, and these are distributed over every Province of the Dominion. Every Province obtains a share, which appears to be somewhat nearly proportionate to the amount of its population, and therefore of its contribution to the revenue. The total amount of the new vote is about $2,200,000; the total vote $3,500,000, but $1,300,000 is not new. Of course, hon. gentlemen know that these are only provisional votes for provisional assistance, and experience has shown that not more, at the outside, than one-half of the votes has ever been used. The average expenditure of these votes for the past five years has been a trifle under $1,000,000 per annum, although in every year there has been a larger amount appropriated than is voted this year.

HON. MR. SCOTT—Can you point out those that have been granted before?

HON. MR. ABBOTT—I suppose I could, as I go through, if I were to refer to the statements made in the other House; but the fact is, as I say, that the sum is considerably less than it was last year, or any previous year. In fact, the decrease of this expenditure has for some time past occupied the attention of the Government, and it has been gradually diminished, in the hope that before long it may be entirely discontinued.

HON. MR. PROWSE—The leader of the House has emphasized the statement that every Province has been provided for in the Bill. I am glad to know that Prince Edward Island has at last been admitted to have some claim to a portion of those grants. This Bill makes provision for 14 miles of railway in the island at the expense of the Dominion Government, and that is the amount that has been appropriated since the Province entered the Confederation. I take exception to the statement of the hon. gentleman when we are given to understand that the grants this year are in fair proportion to the population of the Provinces. I find that the amount appropriated in this Bill is $3,200,000, and it is generally admitted that Prince Edward Island contains a little more than one-fortieth of the population of the Dominion: consequently, the fair share of Prince Edward Island would be about $80,000, and instead of that it is only some $9,600.

HON. MR. McCALLUM—The leader, in moving the second reading of this Bill, says that this appropriation in aid of railways is getting less. I hope it will soon get beautifully less. I regret exceedingly that the Government of the country did not bring down the resolutions earlier in the Session. Here we are requested to vote away over three millions of dollars, in the space of sixteen or eighteen hours, to assist railways. The leader of the House may know whether this is a proper appropriation or not. In some cases I know we are asked to subsidize a railway running right alongside another one. The Government of this country have done this before. Whether that is in the interest of the people or not, of course, it is for the people to judge. We know that the railway already there does not much more than pay expenses, and if there is another one subsidized by the Government to run alongside of it for forty-eight miles, of course the commerce of the country has got to pay enough to keep up both of them. Subsidizing railways is not a new thing. I remember years ago, when I had a seat in the Ontario Legislature, the Premier of the Province brought down a Bill appropriating $3,900,000 of the people's money to aid railways. He gave us thirty hours to pass the Bill; but we are allowed only fifteen or sixteen hours here. I opposed that appropriation. I am satisfied I was right there, and that I am right now, because we ought to have full explanations in reference to the expenditure of this money. There are no less than twenty-one railways to be subsidized under this Bill. Can any one who hears me say how much new country they are going to open up, how many of them will compete with existing railways, or how many of them will run through portions of the country where people ought to build their own railways? I have had no explanation of that, but I am

asked to vote $3,200,000. That is a large sum of money. The Finance Minister tells us that we should call a halt: I agree with him. He says in his Budget Speech that we ought shortly to diminish our indebtedness: I agree with him. It is true the other House is responsible for voting the money of the people, but we have a duty also to perform in the interest of the country. Are we doing right to vote this money on such short notice, without knowing anything about it? I confess that I do not know much about it, except in the case of a few railways in the vicinity of my own home. I know it would be a blessing to this country if the Senate of Canada were to throw out this Bill, because these grants have been forced from the Government. Deputation after deputation has been sent to urge the Government to grant assistance to railways. We have done wonders in this country, and have been very prosperous. We have been carrying full sail since Confederation. The revenue has been increasing all the time, and so it will go on increasing as long as the purchasing power of the people continues, but if we have a short crop in this country and the purchasing power of the people diminishes, where is the purchasing power to come from? We ought to put our House in order. There is no doubt in my mind at all that when the Finance Minister made the remarks which I am about to read he had that in view. He says:

"It seemed to me that we ought not, after the close of the year 1889, to increase the public debt, that we ought not to increase the public expenditure for ordinary expenses, and that it was possible, by a prudent course, without stinting the public service in any way, to carry on this service in a generous manner to meet the capital obligation which we had already assumed, and to go to the year 1892 without adding to our public debt."

Is it not time to stop all but proper enterprises to promote the settlement of this country? I do not stand here to say that the Government should not encourage, in every way, legitimate enterprises, but how do I know that these are proper? Am I going to take it on trust? I have not had time to examine this Bill, and I do not care to take anything on trust from the House of Commons. I venture to say that the Government of the country have got to take it a good deal on trust themselves. I urge the Government, if they want to aid any such enterprises, to bring down their measure earlier in the Session, so that we may know what they are going to do. If there was ever any country in the world that went railway mad this country is going railway mad now. Can anyone in this House justify the expenditure of this large sum of money without knowing what it is for? Suppose when we go home we are asked by the people we represent here why we voted aid to these several railways, what answer can we give? Can we say whether the roads are to be built for opening up unsettled portions of the country, or whether the money is going into the hands of speculators? For the life of me I could not say. I am satisfied that some of these grants are going into the hands of speculators; I do not know how many of them will be for the advantage of the public, but I know that some of these roads are running right alongside of other railways, and that there are portions of the country which are much more in need of railways than where some of these lines are to run. I know this, but what am I to do? If I could throw out the whole thing by my vote I would do it, because I believe I would be doing good service to the country and to the Government. I remember on the occasion that I spoke of before, in the Ontario Legislature, I tried to throw out the Subsidy Bill and divided the House on it, but it went through, and I am satisfied that this Bill will go through; but I thought I should not let it pass without entering my protest. The leader of the House says that the amount of the subsidies this year is less than it was last year. How much less? I do not see much difference. The amount this year is $3,276,014; last year it was $3,088,000.

HON. MR. ABBOTT—$1,114,000 is the re-vote.

HON. MR. McCALLUM—And it will be a re-vote next year. If my vote could throw out this Bill I would gladly give it, but I know I could not get any support. Why? Because this thing is equally divided all over the Provinces of the Dominion. Like the case of the prisoner who stole the hams, each one of the jury had a piece of the pork and none of them would convict him. If there is a railway subsidized in one man's locality it is natural that he should vote for the whole $3,000,000 in order that he may get his portion

of it. If he did not vote for the Bill his people would find fault with him. The Bill is ingeniously devised; every Province of the Dominion has got a share of this money. I am aware that there is no use saying anything about it. I felt so annoyed when it came down last night that I made up my mind that I would oppose it if I stood alone, but better counsels prevailed. I hope the Government will be warned when they bring down these measures in future to bring them earlier. No doubt the Government are anxious to do what is right. It is only a day or two since they got through with the settlement of the subsidies. Deputation after deputation came here seeking grants in aid of various schemes, and the Government found it difficult to make up their minds what companies should be subsidized and what companies should not be. If this thing continues, the country is bound to come to grief. I hope the leader of the House will give us this pledge, that hereafter any subsidies in aid of railways will be submitted earlier in the Session, and then we will have more information as to what we are asked to do; because I confess to you, as far as I am concerned myself, that with the exception of a few lines in the Province of Ontario, I have got to vote this blind. Others may have more information than I have about this matter, but I question very much if they have. Each one may know something of the railways in his own locality, but I doubt if any member here can explain why this grant is given to each of the twenty-one railways.

At six o'clock the Speaker left the Chair.

After Recess.

HON. MR. MCCALLUM resumed his speech: Before the House rose at 6 o'clock, I said I would explain something that I knew about the roads now subsidized by the Government. I do not intend to detain the House but a short time, knowing that it is late in the Session, but I will say to hon. Senators here that I know very little of this Bill, having had only a few hours to look at it, and I hope each hon. gentleman will explain the subsidy to railways in his own part of the country. I say that the Government should be very careful in subsidizing any railway running parallel to another line, for one or the other must be frozen out There is not traffic enough for two in a thinly settled country and it is throwing money away. I have warm friends engaged in railway speculation, but that does not prevent me from saying what I think even of their schemes. For instance, take the Niagara Central, from the Suspension Bridge to Hamilton, 48 miles. The Government has granted $3,200 a mile towards that line. That is a railway running right alongside of the Grand Trunk Railway all the way. There are plenty of localities in this country where they have no railway facilities at all. What is the object of these two railways? The people of St. Catharines and of the city of Hamilton must be favorites of this Government if they are going to bonus this railway in order that they may have competition in rates. If the Grand Trunk Railway, or any other railway in this country, is charging too much to the people, then we should have a Railway Commission to regulate rates. I think it is rather unjust to the Grand Trunk Railway. They cannot more than live now, and to subsidize another railway running alongside of it will injure it still further. What will be the result? If that railway is built it will be turned into a goose pasture in five years. We have examples enough of it in this country already, for if that road goes into the hands of the Grand Trunk Railway certainly they will not run the two lines, because the Grand Trunk Railway has acted on that principle before. There was a competing road subsidized from Listowel to Palmerston. The two tracks were running alongside of each other, and the sheriff sold one of them, and some gentlemen have it now for a goose and sheep pasture. Another instance that I know of is a road from Palmerston to Stratford, bonused by the Government and by the municipalities, alongside of a competing line. One of these is shut up. Is it desirable that the money of the people of this country should go to build railways under such circumstances. The Government said at the beginning of the Session, "Halt!" Yet here are $3,000,000 of the people's money voted away for something for which we have no explanation. I see a subsidy here for a railway from Woodstock to London and Chatham, 80 miles, $256,000. I know they are not suffering for railways in that part of the country, and I am as satisfied as that I am now

talking to you that this will be a strong competing railway with the others, and railways have to live. The commerce of the country must pay them, or they will be shut up and turned into goose pastures. Such a pressure is brought to bear on the Government that they have to give way, and I feel that it would be a blessing in disguise to the Government of the Dominion if the whole thing was thrown out by this House to-night. I see another railway here, in which a friend of mine is very much interested, the Lake Erie and Detroit Railway Company—fifty miles of railway along a line to be fixed by the Governor in Council, the subsidy not exceeding $3,200 a mile. This is a railway running along the Detroit River and Lake Erie. The Government have spent a large amount of money in Pigeon Bay to build a harbor there, and here they are subsidizing a railway to take away the business from that harbor. Knowing the locality, I know something about it, and some of the other railways. I must do my duty and tell what I think about them. Here is another railway, the Cobourg, Northumberland and Pacific Railway, $3,200 per mile. The Cobourg people had a railway not very long ago, and I believe the Canadian Pacific Railway goes through Peterborough, but they are not satisfied; they get $69,000 from the Treasury of this country, in order to build a competing line with the Grand Trunk Railway. I think the Grand Trunk Railway has been used very badly by the Government in that respect. I said in the beginning of the few remarks I made that it was my intention at one time to divide this House on these resolutions, and I say now that if my vote could throw out these resolutions it would be given in a moment, and I would consider it one of the best actions of my life in the interests of the people of Canada, and in the interest of the Government themselves, because I feel satisfied, with the deputations coming down here from day to day, pushing the Government to get subsidies for railways up to within the last two or three days, that it was impossible to resist them. It was for this reason that the Government could only bring down their Bill a few days ago.

HON. MR. FLINT—Like my hon. friend from Monck, I think these Bills should be brought down earlier in the Session, and we should have a better opportunity of looking into the merits of each case. There seems, however, to be something in the way of doing this—deputation after deputation coming forward to ask, even up to the last day or two of the Session, for subsidies. If gentlemen look back some three or four weeks ago, they will find that the Premier of the country said that he would bring down the railway subsidies at a certain date. They did not come. It was asked, from time to time, when they were coming down, and still they did not come down until a few days ago. No doubt it was from the fact that there were so many deputations coming to Ottawa to try and get a slice from the Government. I know of but one way, if the Government are to continue to subsidize roads, and I think they ought to do it, and that is to subsidize only such roads as are to be of benefit in opening up the country. I do not say that they should give it to such roads as my hon. friend has spoken of, running parallel to other roads through a settled country for a few miles. Such roads might be built by the municipalities and by the companies themselves. But in this country of ours, where it is such a long distance from ocean to ocean, and where there is such a vast extent of territory, everything should be done by the Government to open it up for settlement in all directions, north, west and east, if necessary, so as to enable settlers to get into the country and assist in its development. The Americans have opened up a vast extent of country by means of railways; the settlers have followed the lines of railway. Fifty years ago, before we had any railways, such a thing was not thought of. The settler had to work his way into the wilderness the best way he could to take up land, and had to undergo all the hardships of pioneer life; but now we find that settlers are not willing to go into any country if it is not opened up by railways; consequently if we do not open up our country by railways we cannot expect our lands to be settled upon very rapidly. With regard to a great many of these subsidies, I agree with my hon. friend that they are not altogether beneficial, and there are roads of great benefit which should not be destroyed for the sake of establishing competing lines. I know, from my own experience, that it is desirable that the Government should be prepared with their

measures in the beginning of the Session—at least all their important measures should be brought down within a short time after the opening of Parliament. I look back now to 1862, when I was first elected to what is called the Upper House—the Legislative Council. I know at that Session, just two days before the Session was closed, we were told that the Governor would be down at a certain hour to close the House, and no less than nine Bills came from the other House for our consideration, and I for one objected to taking those Bills into consideration at so late a period of the Session. Others followed me, and the consequence was that the leader of the House, Sir Alexander Campbell, withdrew them, and they were brought in the following Session. I think there are several Bills here which might have been brought down before now, but as regards this Bill I think the reason why it was not brought in earlier has been fully explained. It will be unfair to these roads, which are going to be a great benefit in opening up the country, if this measure were to be thrown out. In 1862, when I first came into the Upper House, I introduced a Bill for a railway up the valley of the Moira from Belleville to Georgian Bay. I got it passed. The Hon. George Brown was then a member of the Government. The two Messrs. Wallbridge and myself met the Government, and explained what we required, and they promised to give us, if the route was thought satisfactory, in reference to the minerals in our part of the country, not only a land subsidy, but a subsidy in money; but they wanted to send some person in there, in order to examine the country thoroughly before the next Session. In the meantime, I was anxious that the Bill should go through, and Mr. T. C. Wallbridge promised me faithfully that it would. But Mr. Louis Wallbridge thought it better to throw it overboard for a while, and in the meantime we should buy up mineral lands in the district. I did not believe in doing that. The Bill was in the hands of T. C. Wallbridge, and it was burked, and the consequence was they were both of them burked at the next election, and I had the honor of helping to burk them. That brought Mr. Bowell into the House. It was a hard pill for me to take Mr. Bowell for a representative, and to pass around with him, for we differed so very widely in our views; still, anybody rather than take the man who had been the means of injuring the country to such an extent by burking the Bill. That is the only time I ever asked the Government for a subsidy for a railway, or anything else, until this Session. I was waited upon by a deputation from Belleville, and they requested me to go with them to the Premier to see about a subsidy for a road from Belleville to Lake Nippissing. I was called upon to explain to Sir John the need of the road and the advantage it would be for the country, and particularly in opening up the valley of the Moira. There were fourteen water powers that would be made available for manufacturing purposes, provided this road was built. But it was to run back into the district a long way, and the country through which it was intended to run is rich in minerals, not only iron, but asbestos, actinolite, marble, and so on. So that there would be a vast amount of trade got for the road after it was built. It would also open up a tract of country where there was very little water communication, and would be the means of bringing out a vast amount of timber which otherwise would be destroyed, if settlers went in there, because there were no means of getting it to market. A subsidy is granted for thirty miles of it this year, and as a matter of course the road will be started. A prominent merchant of Belleville, president of the Board of Trade, told me that with this subsidy they would go on with the road, and draw that subsidy as far as it goes. If this Bill were thrown out it would kill the road for another year, and then if there were no more subsides granted by the Government it would probably kill it for all time to come. Supposing the people should go to work energetically and build the whole of these roads this year, what would be the effect on the country? This would mean an expenditure of eighteen or twenty millions of dollars throughout the length and breadth of the land, for the subsidies are pretty well divided over the Provinces, and would therefore be a great boon to the people. It is possible that the crop may fail. If the crop did fail the people would have the advantage of this work, and it would give them money to buy with. I am not one of those who look on

the dark side of a question. I am not like an old gentleman who lived in Ogdensburgh who never could be induced to go on the ice in winter, even if it were 3 feet thick, for fear he would drown. I believe in going ahead and spending money in trying to get settlers into the country, and the more settlers we induce to come into the country the sooner we will become a great nation. I believe that if the Government intend to give subsides another year it would be well to let it be known early in the season, so that those who expect subsides should put in their application within one month of the meeting of Parliament or no subsidies would be granted; then it would be giving us an opportunity of looking into the merits of each case. The prosperity of our country depends on our doing everything possible to induce settlers to come to it, and we cannot induce them to settle here unless we give them roads by which they can get into the back country. Too much has been given to competing roads. Competition is a very good thing, as far as it goes, with the Grand Trunk Railway, and this road I speak of from Belleville back will bring us in line with the Canadian Pacific Railway running from Toronto to Ottawa, and give to Belleville a double chance to go either one way or the other. Competition, in my opinion, is the life of trade. I do not believe in combines; I believe in competition, and consequently if we can succeed in building this road it will be a great benefit to the county of Hastings and to the country north of us. I can furnish, within thirty miles of Belleville, all the iron, marble and actinolite that would be used in the next fifty years. We could build up our iron industries, and instead of having to grant bonuses of $2 a ton to any one who will manufacture iron, it would only be a short time when we would have iron works, not only in Belleville but in other places, that would supply all the iron that is needed in this country. The more we can manufacture and the more we can sell the less we will have to purchase abroad, and I do not see why we should not encourage iron manufactures. By that means, not only can we supply our own country, but help to supply others. I can assure hon. gentlemen that I know of iron within 80 miles of Belleville that is declared by manufacturers to be superior to anything they can get in the United States for the manufacture of mowing machine knives. It would yield 85 per cent. of pure iron, and all we want is a railway to get it out. Taking our country all through, from ocean to ocean, there is everything to induce us to open it up as rapidly as we can. There will be a time in the early history of the country, though I do not expect to see it myself, when we can compete fairly with our neighbors as to population. We have one advantage over them: we have no cyclone or floods that cause so much damage in the neighboring Republic. We are fortunately situated in that respect, and I know that there are a great many who have gone from the part of the country where I live to the United States, who, if they could only get enough to bring them back to Canada, would be glad to get home again. I trust therefore that there will be no division on this matter, but after it has been ventilated it will pass the House, and then the Government will see, another season, that if there is any subsidy to be granted there will be none given, except to those that are really going to be of vast importance to the country.

HON. MR. POWER—I did not propose to say anything about this Bill, but I feel that it would be to a certain extent disrespectful to the Government to allow so important a measure to pass without at least showing to it the courtesy of a little criticism. This Bill is the latest development of a policy which was entered upon in the year 1882. Hon. gentlemen will perhaps remember that there was an election in that year, and that Sir Charles Tupper was Minister of Railways. Every one who knows that hon. gentleman is aware that he is particularly skilful in devising means of carrying elections. That year the Railway Bill helped to carry a great many elections. Previous to that time we had acted on the theory—in accordance with the provision of the British North America Act—that the Dominion Parliament should deal only with railways which extended from one Province into another, or which extended from Canada into a foreign country. That year the principle was introduced that any railway which connected with a line of that sort was a work for the general benefit of Canada, and was a proper subject for the

assistance of the Parliament of Canada. A great many members felt at the time that the country was entering upon a system the end of which it was very difficult to foresee: and the result has justified our expectations. Supposing that the policy was adopted of giving aid from the Dominion Treasury to railways throughout the country, there were two courses which might have been adopted in the way of carrying out that policy. There might have been the statesmanlike policy which would have been something of this sort: the Government taking advice from one another and from their engineers, and studying carefully the map of the country, should have ascertained the sections of country which had not railway facilities. As has been stated by the hon. gentleman from Trent division, nowadays settlers will not go in large numbers to a country where there are no railways; and in the older districts of the country the people who had been living there and paying taxes for a number of years are entitled to railway facilities. The statesmanlike policy for the Government would have been, leaving aside all personal and political considerations, to have looked over the map of the country and ascertained the districts which had not railway facilities, and if a district were found near a great trunk line of railway, which district had not railway facilities, the statesmanlike policy would have been to have connected that district with the great trunk line, not to have built a line competing with the great trunk line, but to have made a connection with the trunk line if practicable. As regards the Government railway itself —the Government happen to own a railway some 600 miles long—care should have been taken in providing railway facilities for the Provinces through which the Intercolonial Railway runs, that the roads constructed in these Provinces should, as far as possible, be feeders of the Intercolonial Railway, and not roads calculated to take business away from that line. I venture to say that any hon. gentleman who looks at the matter as a question of business will agree with me, if he puts aside all his local, personal and party feelings, that that is the way that the railways should be built, so that the country should get value for the money put into them. It is unnecessary to ask the House if that has been the policy adopted. It is not. Year after year we have had the aid of the Dominion Government given to lines that were in no sense Dominion roads; not only that, but we have had aid given to roads that possessed no provincial value, that were local in the most restricted sense—purely local roads. We have had aid given to roads which were intended to parallel existing roads, which had enough to do to pay their working expenses, and paid almost nothing to the people who built them. The hon. gentleman from Monck has pointed out in the present Bill, I think, three cases where the Government propose to subsidize railways running parallel to the Grand Trunk Railway, and only a short distance from that line. That is a policy which cannot be defended at all. The Grand Trunk Railway has been built chiefly by the money of English people, and it is not fair that we should undertake to construct roads which the needs of the country do not ask for and which are calculated to render the property of those English shareholders valueless, as far as these new roads can have that effect. Anyone who takes up the Bill now on the Table of the House will see that it carries the kind of policy I speak of to a very great extent. There are subsidies here for small pieces of road in different parts of the country, roads which can be of almost no value outside of the immediate neighborhood, and which in a great many cases compete with roads that are already in existence, and therefore do not furnish any needed accommodation to the country. I omitted to say, when talking of the way that statesmen would have dealt with the question, that if the policy which I have indicated had been adopted the Government would have been in a position to bring down their railway measures earlier —they would know at the opening of Parliament what portions of the country needed railway facilities, and they would have been able to bring down a scheme to supply the wants of the people of the country as far as the means of the country at that time would justify the expenditure. The Government have no policy of their own, no regard for the interests of the different sections of the country. They wait here until the end of the Session and until every member of the House of Commons has put his personal views before them. They weigh the merits of rival schemes, not with a view to the benefit of

the whole country or with a view to the benefit of the section of the country where the railway is to be constructed, but with a single eye—no, not with a single eye, but with two eyes, one directed to the interest of the Conservative member in the district and the other one directed to the next election. That has been the policy, and one of the reasons why we are here now four months, and why we have to look back upon a four month's Session, which has produced almost nothing worth being looked back upon, is that the Government have been for the last few weeks fighting out the question as to which railways shall be subsidized, in the Executive Council Chamber. Now, if the policy indicated by the hon. member from Monck, and which I have tried to develop a little further myself, had been adopted, there would have been no necessity for that, and the Government would have been at least as popular in the country as under the present system; because, after all, when the Government do their duty people are a little slow, may be, but still they are pretty sure in the end to recognize the fact that the policy which the Government adopts is in the interest of the whole country.

HON. MR. ABBOTT—That is how the Government are sustained so long.

HON. MR. POWER—There are two ways of being sustained. I say this with respect to the present Government: if a Government led by an ordinary man had so conducted the affairs of this country as the Government of Sir John Macdonald has conducted them, that Government would not have lasted from one election to another.

HON. MR. DEVER—That is because this Government is led by a statesman.

HON. MR. POWER—My hon. friend from St. John confounds the politician with the statesman. The statesman looks to the welfare of the country. The politician bribes the people with their own money. I think that is an expression which has been used by the leader of the Government; and the statesman uses the people's money for the benefit of the people. I do not propose to go into the details of this measure. This is not the time to discuss the general railway policy of the Government, and it is not the time to discuss the way in which the Government have managed the affairs of the Intercolonial Railway, but I cannot sit down without saying a few words on that subject. The Intercolonial Railway was completed in 1877, and if I remember rightly its cost up to that time was about $28,000,000. To-day the cost of the Intercolonial Railway stands at about $20,000,000 more than that, and the road is really not a better road than it was then. The Government did not manage the road in the way in which a private company owning the line would have managed it. The most ordinary terminal facilities do not exist on the Intercolonial Railway. At Halifax, which was spoken of as the city which was to be the great Liverpool of Canada, there are at the present time no facilities for storing perishable articles, such as fruit and vegetables. One can hardly fancy that such a state of things can exist. I presume that $10,000 would build a frost-proof warehouse at Halifax, and although the attention of the Government and of the Railway Department has been called to that year after year nothing has been done.

HON. MR. ALMON—The terminus at Halifax was got under the Mackenzie Government.

HON. MR. POWER—I am glad that the hon. gentleman has reminded me of the fact that the only respectable things we have in connection with the railway at Halifax—the passenger station and the freight sheds beside it—were built under the Mackenzie administration; and although ever since that time the want of this frost-proof warehouse has been felt, and although the shippers of apples in the Annapolis valley have been afraid to ship from Halifax because of the want of that warehouse, the Government cannot afford to spend ten or twelve thousand dollars in building a necessary structure of that sort. Then again, coming to the other end of the railway at Levis, a complaint was made several years ago that the Intercolonial Railway was in the hands of the Grand Trunk Railway, that it had no connection except with the Grand Trunk Railway, and it was suggested that the Intercolonial Railway should be built to the water's edge opposite Quebec and a large ferry steamer put on for the purpose of making

the northern or north-western end of the Intercolonial Railway a competing point for freight. The Government took the hint as far as regards going on with the construction of the railway. They paid enormous sums for land damages at Point Levis and in its neighborhood, and those twelve miles of railway have cost the country some $2,000,000 at the present time; yet the thing for which that branch was intended has never been done. To-day there are no freight connections between the North Shore Railway and the Intercolonial Railway. After all these millions—I do not know that we are quite done paying out money for land damages—have been expended the Intercolonial Railway comes to the water's side at Point Levis, but there is no proper freight connection between the north shore and the Intercolonial Railway. It would not take a statesman to provide facilities of that sort; any private railway company owning and managing a road for themselves would have had those facilities. Then again the Government, on the eve of an election, undertook to construct what was called a "Short Line" in the counties of Cumberland, Colchester and Pictou. It was alleged by the hon. gentleman—I do not know whether he was then Minister of Railways, or whether he had passed into the Finance Department—that this road would shorten the distance between Oxford, in the county of Cumberland, and New Glasgow, in the county of Pictou, forty miles. The country has been put to an expense of between two and three millions of dollars in the construction of that road, and now it is discovered that this road is only seven miles shorter than the Intercolonial Railway. The effect of building the road is to give a competing line with the Intercolonial Railway, to take away business from the Government's own line, to put the country to the cost of keeping up this line, and all to shorten the distance seven miles. If the Intercolonial Railway had been owned by a company do you suppose the company would have done such a foolish thing as that? Not at all. If it was desired to reach a port on the Straits of Northumberland the company would have built a branch to Pugwash or whatever port it was desired to reach: they would not have built a line 40 or 50 miles in length competing with their own line all that distance and not offering any advantage whatever for conducting the business of the road. I find in this Bill the same principle is carried out. Subsidies are given to lines, a principal effect of which will be to take business away from the Intercolonial Railway and render the deficit on that road, which is already too great, greater year by year. In another case where there was an opportunity for the Government to subsidize either of two lines, for the purpose of supplying two counties in Nova Scotia, one of which lines would have been a continuation of the Intercolonial Railway and a feeder to it, and the other one which would have been calculated to take business away from the Intercolonial Railway and carry it in other directions, the Government have, with that fatal facility for always doing the wrong thing in railway matters which seems to characterize them, subsidized the road which would take business away from the Intercolonial Railway, and which would at the same time do the least good to the part of the country to which I have referred.

HON. MR. KAULBACH—Which line is that?

HON. MR. POWER—It would take a long time to explain the matter to the hon. gentleman so that he would understand it; and I am not anxious to trouble the House for that length of time. As I said when I began, I do not propose to say anything about this Bill; but I have been tempted into saying something as a sort of courtesy to the hon. gentleman opposite who, by the way, seemed to think that we should vote this $3,300,000 without the slightest explanation from him as to why we were going to vote it or what the merits of any of the schemes were which the money was intended to subsidize.

HON. MR. KAULBACH—My hon. friend says he would not take up the time of the House in trying to explain to me which railway in Nova Scotia he referred to when he spoke of one being a competing line into the Intercolonial Railway. It must be because my hon. friend was afraid to let us know the line he referred to. If he had reference to the Liverpool and Shelburne Railway it certainly has no

bearing on this question at all. He talks about this being the latest development of the policy inaugurated by Sir Charles Tupper in 1882. He must have in mind the policy of the Hill-Vail Government, of which he was a supporter, which subsidized wild-cat schemes all over the country —a Government that kept itself alive by offering money for such schemes all over the Province of Nova Scotia. When they were in a position that they could hardly hold a Government together, they attempted to incorporate companies all over the Province.

HON. MR. POWER—Would the hon. gentleman be kind enough to tell me what Government the Hill-Vail Government was? I never heard of it before.

HON. MR. KAULBACH—The Hill Government, then. We know when they held power by the vote of two members they offered a subsidy for the building of a railway in Lunenburg, which they said they would not build themselves and nobody would attempt to put a dollar into. Fortunately, there were men in the county of Lunenburg who were determined that the grant should be expended, and if we have it to-day, after fifteen years of exertion, it is through the aid of this Government here. The Hill Government almost brought the Province of Nova Scotia into bankruptcy, borrowing money to build railways and sacrificing them afterwards, as they did in the case of the Eastern Extension. My hon. friend says that this is not done to subserve the interests of the different parts of Canada. I believe it has been, as far as I can form an opinion. My hon. friend seems to have the power of divination beyond other gentlemen: he seems to know every locality where these roads are to go and the developments to arise from them. He draws largely upon his imagination when he comes to this House and tells us what the effects will be of constructing these roads in various parts of Canada. When he does that, he imposes upon the House his views, which I do not believe are sustained by the knowledge which he presumes he has, and which he says in many cases is so great that in order to make me understand the question he would take up too long the time of the House. As I said before, the Nova Scotia Government have kept themselves in power by running the Province into debt. The policy of the Dominion Government is different: out of the surplus revenue they are expending money in a way most beneficial to the whole Dominion. This money is to be taken out of an estimated surplus. How can the Government form and estimate of that surplus before the meeting of Parliament? They cannot do that until they see how they are to raise the money in order to furnish the subsidies. Would the hon. gentleman approve of the Government appropriating this money without consulting the representatives of the people and ascertaining what is best in the interests of the whole country? Although it is unfortunate that some of these Bills are introduced late, yet I believe it is done out of due regard on the part of the Government for what is in the best interests of the country. It has been said that in the thickly settled parts of the country we do not require railways. I believe that we ought to have them in many thickly settled parts of the Dominion, which furnish the revenue of the country, and which certainly should have some benefit from the railways as well as the far west. But my hon. friend says in the far west it is better to give them money and not lands.

HON. MR. POWER—Excuse me; I never said anything of the kind.

HON. MR. KAULBACH—My hon. friend's memory is short. I yet believe he said so. The best assets the companies have in the North-West are the lands. The value of those lands to the Government is nothing—almost worse than nothing; they are a tax on the country. They are appreciated far more highly by the companies than the money they could get. The bonds they can float on those lands far exceed what they could do with a cash subsidy. You cannot build up that North-West without constructing railways. People will not go into such a country until railways are built. Therefore, I say I believe this policy of aiding railways is a wise one. You cannot devote the surplus revenue that we have to a wiser purpose. I know in Nova Scotia, when the Local Government with which the hon. gentleman has been so closely identified failed to build the Liverpool and Shelburne Railway, when the ties were rotting and the rails rusting for years, the Dominion Gov-

ernment came to the rescue, and we see the effects of the stimulus given to that part of the country by the subsidies appropriated by this Government. What have we seen in the counties of Shelburne and Queen's? The Local Government dangling a railway project before the people every time an election was coming on, without any intention of building the road, setting one part of the country against another, and by that means helping to maintain themselves in office. That has been the policy of the Government of which my hon. friend is so strong an advocate. What a striking contrast between their policy and the wise and progressive policy of the Dominion Government! If it had not been for the wise way in which the Dominion Government came to the rescue of Nova Scotia our Province would not be in such a favorable position as it occupies to-day.

HON. MR. HAYTHORNE—I think that the opening part of the speech of the hon. gentleman from Halifax was very suitable to the occasion. He reminded the House of what had been, after Confederation had taken effect, the proper Dominion policy with regard to public works, and I think that anyone who is conversant with the circumstances attending the admission of some of the other Provinces into the Dominion will be able to see that what the hon. gentleman stated had been the policy. I can bring testimony in favor of that myself. I know that when Prince Edward Island was invited to join the Dominion of Canada, and a deputation of its Ministers visited the Province, it was there stated most explicitly that the public works of the Dominion must be such as joined one Province to another, or connected one or more Provinces with each other, or the sea. In fact, that was the great object of the Intercolonial Railway. The Local Government and Legislature rejected those offers of Canada, which were made to Prince Edward Island, in perfect good faith, and no doubt in the opinion of Canada were exceedingly liberal, but the Island Province in answering the proposition which was laid before them by the Dominion of Canada pointed to the fact that by the Dominion Act of Confederation they were unable to enjoy the advantages which other Provinces reaped by means of lines of railways or steamships run at public expense, and that was one of the reasons why they rejected it then. The hon. gentleman pointed to the fact of what had been the policy of the Dominion with respect to public works of this description, and he contrasted what had been with what was before us in this Bill, and stated what in his judgment would have been a statesmanlike line to pursue. I do not think he went very deeply into what was not. I presume he led the House to infer that the line of policy which had been pursued was the unstatesmanlike line. But there is this to be said with regard to Dominion colonial railways, such as the inhabitants of new countries find it absolutely necessary to their existence to construct, that they actually stand in the position in which highways stand in other countries. Here we have vast tracts of territory before us, through which there are only the trails of the Indians or the portages of the trapper, or it may be some waterway or river with its natural obstructions to overcome. Civilization points out the fact that the progress of wealth and industry cannot go on with such inadequate means of communication, and then it comes to the Government of the day and requests them to push their lines of railway through. Now, here is where Governments have been placed, in my opinion, in a most dangerous position. They feel that to reject the demands of their supporters, or of others who are not their supporters, perhaps, to build them lines of railway, loses them their support, and the consequence is they are obliged often to adopt a line which is neither the shortest nor the easiest, but is one which serves the purposes of party. That is a great misfortune, in my opinion; it is one which has been felt not only in Canada but in other countries, and the point which I would like to draw attention to is this—whether there is any possibility of emerging from this state of things? Can any system be adopted calculated to carry out the necessary communications of the country and at the same time not debauch the people? That is the point which I think ought to be studied, and I think my hon. friend from Halifax saw that question in a tolerably clear light, although it is not one which is peculiar to Canada. I happened to read during a part of this long Session that last work of Sir Charles Dilke's. I think the name will be familiar to most people in this House. He

is a gentleman who was one of the most promising of English statesmen, but has been under a shadow for many years, but his energy and capacity are none the less. He has wealth, youth and everything to enable him to make extensive voyages of discovery. He has a facile pen and still more facile tongue, and that gentleman has given his experience of what he has called, very appropriately, Greater Britain, in two separate works. In the more recent one he reviews his former experience and shows how far his expectations have been confirmed by facts, and shows in some cases how they have not turned out as he expected. In the Australian colonies, where so very large a burden of debt has been imposed upon the people owing to their borrowing largely for railway purposes, the lines of railway are almost entirely owned by the Government, and Sir Charles Dilke tells his readers that so completely have the public and even the politicians themselves been disgusted by the jobbery and evil influence that arose from Government construction, all parties came to this conclusion at last, that the management of the railways had better be taken entirely out of the hands of the politicians and placed in the hands of commissioners—men of influence and character, not subject to be removed in consequence of changes of Government, which in those countries have been far more frequent than in Canada. Although the railways of Canada are, to a great extent, companies' lines, I believe that the Government have a decided influence in them, inasmuch as they have either given land or money or public property of some kind or other which gives them a tangible right to interfere with the management of those roads. If you take analogy from the United States, you find that wherever the public money or public lands have been given to a railway, in that case the Federal Government exercise supervision and have, on more occasions than one, to which I have referred in this House, brought the railway companies into court, and when they had been challenged with the remark: "We are a free company; you have no power over us," they have used the fact that where public lands or moneys have been given to a railway company, *pro tanto* that railway company is amenable to the power of the Government and the laws of the country. In that way a great benefit has accrued in consequence of that power. It may be said that here in Canada the railways are almost all owned by corporations. It is very true the business of this Parliament, or a very large part of it, for several Sessions, has been the passing of railway Bills, but I suppose there are very few of those companies that have not at some time or other received assistance from the Government, and therefore I think it is not a very large stretch of imagination to see that the day may come, and may not be so very far distant, when the Government, following in the steps of the United States, may say to the companies: "If you manage your affairs so indifferently as to make it necessary for you to be coming to the Treasury for assistance for your own branches, we will have to take you before the court." In Australia these railway commissions have been established and have been found—I speak on the authority of Sir Charles Dilke—to give the greatest satisfaction. Even the politicians themselves are bound to confess that the new system of railway management there is better than the old one. Of course, we know that we cannot draw much analogy between the railways of America and the railways of Europe. Here we make a railway into the wilderness and we expect settlement to follow it. That is a very good policy; but still there ought to be precaution taken in the expenditure of the public money to see, when those railways are built, that they answer the purposes intended. If they do not, the consequence is this: at first they stimulate a kind of fictitious prosperity. You see in a comparatively poor and barren country a large amount of money in circulation, high wages paid and a sort of *quasi* prosperity existing, and men are told that that is the result of the Government policy. It is pointed out to them that it has been the policy of this Government to do so-and-so, and they point triumphantly to the result and say, "There they are." Now, if that railway leading through a new country is settled on both sides with prosperous settlers, and those men till the soil and bring to market the produce of their lands, and forests and mines, so that the new road becomes productive, then I say the Government have done well; but if they carry their lines into a new country at the dictation of members of Parliament,

with a view to their own interest and to their party's interest, then I say the contrary result is likely to occur, and that the railway, instead of being a nourisher of the Treasury, becomes a drag upon it, inasmuch as the evil day comes when interest must be paid, nothing is made on the road, and the consequence is poverty, taxes, a Bill for railway subsidies, and another Bill entitled the "Customs Act," which grinds down the population of the whole country to a pitch which is melancholy to contemplate. I do not wish to occupy the attention of the House on this point. One of my chief objects in rising to address the House at all was that I might have an opportunity of calling the attention of the House to what the Australians have been doing, and I speak on the authority of Sir Charles Dilke. I would have brought this work and read the passages to which he refers to this House, but it so happens that my own copy of the book is packed up, and the three copies which belong to the Library are so much in demand that I could get none of them this evening, so I had to trust to my memory on this point. I hope that the Government may some day or other think over those things. I have heard it intimated that there was an intention on the part of the gentleman who leads this House so successfully of making an Australian tour last summer. Although the tour did not take effect then, I believe there are still hopes that a mission will be sent to the Australasian colonies next summer, and it will be a subject, perhaps, worthy of investigating as to how those great lines of Australian railways have been and are managed. I throw out these hints with the greatest deference in the world, believing that a better system of management is possible, and one more consonant with the original intention of the British North America Act, and I think it is a thing which the Government and Parliament of Canada ought to consider very maturely and thoroughly.

HON. MR. ALMON—I think the Conservative members, at least some of them I have spoken to, are determined to support the resolutions which have been brought forward with regard to these subsidies, but still very unwillingly they do so.

HON. MR. McKAY—Speak for yourself.

HON. MR. ALMON—They feel that this measure ought to have been brought down very much earlier, and we feel that this country is spending a very much larger sum of money than we ought to spend. The hon. gentleman from Lunenburg speaks of our having a surplus in the Treasury. We do not want a surplus, and we do not want unnecessary railways built to please Tom, Dick and Harry in the House of Commons. I am speaking for myself and for several other gentlemen with whom I have spoken. A number of us feel that it would be unfair to throw out these Bills now, or attempt to throw them out, if we are unable to do so: but next Session, notice, I trust, will be given to the members of the Government that Bills for the expenditure of public money must be introduced earlier in the Session, to give an opportunity of discussing them. I feel that I shall be obliged to support the Government in this instance.

HON. MR. REESOR—I would ask the hon. leader of the House whether he will give some satisfactory explanation as to why the appropriation was made to build a railway from Woodstock to Chatham? We have two leading lines, if I understand rightly. We have the Canadian Pacific Railway and the Grand Trunk Railway running east and west of these points. There is a through line. Why we should want a short line running alongside of these two main trunk lines, a distance of 80 or 90 miles, seems almost inexplicable, and it is to be feared that there are too many of these appropriations made in the same way—that is, to build railways where they are not really needed. If these appropriations were made to open up new sections of country I do not think there would be any objection to them, but where so many of them are made for lines that are not needed it seems to be too bad, at a time when the country is running in debt every year to pay the interest on the present debt, to make such expenditures. We are increasing our indebtedness at the rate of ten or fifteen million every year, and the exports of this country are not sufficient to meet the interest on our public debt or other debts. We want to get out of debt. I know that some hon. gentlemen say that we have built the Intercolonial Railway, and the Canadian Pacific Railway,

and a great many other railways, and they say that could not have been done without money; but to the extent we have aided these railways, to that extent we have added to our public debt and to our taxes, and we are not reducing our debt, but are continually borrowing to pay the interest. Why should we go on making appropriations to build railways in this reckless manner? Why should the Senate, which is claimed to be an independent body, consent to pass measures of this kind without having an opportunity to discuss the merits of each case, and without having the Bill laid before us in good time in order that we might do so? I would be willing myself, rather than see this Bill passed, and appropriations made for $3,000,000, to go with my hon. friend who opened the debate on the question. and vote against the whole of them. At the same time, I admit there may be some of the appropriations that we ought not to throw out. In the section that I come from, near Toronto, we are not given a single dollar. Even if we were getting part of the ham I do not know that we should shield the party who stole it.

HON. MR. ABBOTT—In answer to my hon. friend, I regret that I cannot give him all the details that he would desire. I have not enquired into the details on this occasion, because this is not a new vote. This is a vote which the Senate passed two years ago.

HON. MR. PAQUET—Four years ago. It was passed in 1886.

HON. MR. ABBOTT—I knew it was a vote which the House had already passed, and I did not suppose that hon. gentlemen would call upon me to give explanations in detail of a vote which had already received their approval.

HON. MR. VIDAL—The grant the hon. gentlemen from Markham refers to is for a road going to Ingersoll, but they found it necessary to commence further east, at Woodstock. It is the same road, but they cannot draw the money until they reach Chatham.

HON. MR. POWER—If they have two roads, what do they want with a third?

HON. MR. REESOR—They have two roads now, the Canadian Pacific, and the——

HON. MR. VIDAL—It is the same one. They want to extend the Canadian Pacific Railway to Woodstock, but they cannot touch the subsidy until they complete their road to Chatham.

HON. MR. ABBOTT—I do not propose to make a speech, or detain the House at this late hour of the evening, but I would like to say a word or two in reply to the volume of censure that has been hurled at the Government by almost every gentleman who has spoken. Now, there have been subsidies granted by this House for certainly the last five years, and I find that the subsidies now under consideration have been brought to this House two days earlier than they have ever been brought to the Senate any Session during the last five years. Since I have been in this House there has never been any discussion on such Bills at all, whereas there is now ample time for discussion if hon. gentlemen choose, so that in point of time I do not see that the Government are so very censurable when they are doing their best to improve upon the practice which is distasteful to hon. gentlemen, and which is objectionable, and ought to be avoided as much as possible. Hon. gentlemen propose that we should get these subsidy Bills sent down to this House at an early period of the Session. Can they tell me how that can be done? The Government do not pass the subsidies. The House of Commons pass the subsidies, and the Government do not know until the House has got fairly into session what subsidies are demanded of them. When they do know, in pursuance of the principle which my hon. friend opposite expounded to us so eloquently a few moments ago, they have got to consider all the applications that are made to them, weigh them, consider them, select those that are deserving, and reject those that are not deserving. My hon. friend does not deny that they do that, but he applies to their actions in that respect a motive in which we, or at all events hon. gentlemen who have confidence in the Government, are unable to agree with him. The hon. gentleman says that the only motive which the Government studies—the only motive which inspires them in granting the various subsidies—is the desire to give a subsidy to the strongest supporter—to put it where it will do the most good. My

hon. friend may have some secret or unknown process by which he discovers the motives which are passing through the minds of other men. It is possible, though not probable, but I do not think the majority of the House, or the majority of the country agree with him in attributing such motives to the Government. The process which has to be gone through in making those selections is not one which can be gone through in a day. This Session the process necessitated the sifting of considerably more than a hundred applications for subsidies. I do not remember the exact figures, but I think it is in the neighborhood of one hundred and twenty, out of which the twenty-one before us have been eliminated by this process of selection, and I can state to my hon. friend, in contradiction of what he himself said as to the motives upon which this selection was made, that this selection has been the result of the most careful examination of the claims of every one of those companies, with a view to ascertaining where the expenditure of the public money was most beneficial to the people—where it will open up districts which have no railways at present, and where it will extend railway facilities, which are insufficiently provided at present. These are the motives, I assert, and I think I know as much about them as my hon. friend does, that have governed the Ministers in making the selection which they have done of the twenty-one railways out of one hundred and twenty-three applications for subsidies. This process is not a very easy one.

HON. MR. POWER—There are forty-four subsidies.

HON. MR. ABBOTT—I did not count them myself; I took the figures from the hon. gentleman from Monck. The process by which this elimination takes place is not an easy one. The claims of rival parties have to be heard and considered, and it cannot be done in two or three hours, or two or three days. The financial position of the country has got to be known; the accounts have to be completed and laid before the House, and discussed by the Government, to know what sum of money they can with prudence apply to projects of this description. All this necessarily delays the preparation of the list of subsidies laid before the House.

HON. MR. POWER—That is what we complain of.

HON. MR. ABBOTT—Then the hon. gentleman is such a radical Reformer that he would do away with responsible government, and place the Government in a position to do whatever they please, without consulting anybody or requiring the votes of the representatives of the people at all.

HON. MR. POWER—"Be sure you are right, and then go ahead."

HON. MR. ABBOTT—The hon. gentleman's views of the duties of a statesman seem to be predicated entirely on the idea that the statesman shall be a Heaven-born statesman, knowing what is right and wrong, and he must have a despotic power to do what he thinks is right himself. That is not the position in which the Government of Canada stand. They must consider the views of the House to which they are responsible. They cannot disregard or discourage them altogether. They must know, and must be prepared to defend, to the satisfaction of the House, the selections they make, and in order to do that their selections must be good; and I maintain that in this instance the selections have been as good and judicious as they could be made.

HON. MR. POWER—The hams have been judiciously distributed.

HON. MR. ABBOTT—The story is an amusing one, and may apply in some cases, but it does not apply in this one. The proof that the selection is a good one is the absence of any serious fault-finding with the selections that have been made. After all the censure of what the Government has done in respect of subsidies, what practical and precise fault has been found with the application of this money? The hon. gentleman from Monck is the only hon. gentleman who has mentioned the railways to which he objects, and of what do they consist? They are four in number, out of forty-four, I think my hon. friend said. The first on the list is the one to which my hon. friend a moment ago referred. It is a re-vote, a vote which has been passed before by the House long ago, which has been in force for a long time, and which is nearly, as I understand,

earned at this moment. The next one is the St. Catharines and Niagara Railway Company, to which my hon. friend made reference several times during his speech, and to which he appeared to attach a very great deal of importance indeed. It is only fourteen miles of road. Out of two millions of a new vote this is only $48,000, and there are many considerations which seem to me to justify the selection of that piece of road as a proper recipient of the assistance of the Government in this manner. This is a road which will give complete connection between Hamilton and Niagara, between the United States system of railways and our own. There is now one railway there, it is true, but this is not merely a railway between two localities to serve their purposes. It is absolutely an international railway. It leads to the one point, for hundreds of miles, where there can be a crossing of the water division between Canada and the United States. If there are to be two modes of connection or connections between the railway systems of this country and the United States anywhere within hundreds of miles of that point, it could only be at that point, because there is no other place west of Brockville, or east of Detroit, where connection between the railway systems of the two countries can be made. The fact that one railway runs parallel to the other does not lay it open to the fault-finding that it would be open to in any other part of the country—establishing two railways between two localities. This is a railway following on an international track, a track which must be followed by every railway which seeks an international connection. The third, the Lake Erie and Detroit River Railway Company, I may say I do not know much about, but I understand from such information as I have been able to gain that it passes through a country that is not now provided with railway communication. It is near the water, but that section of the country has no railway communication. It is being built slowly, and is calculated, I am told, to be of great benefit to the country through which it passes. The last one is the Cobourg, Northumberland and Pacific Railway. That railway, as I understand, is for a connection between the front and the rear lines of communication in Western Canada, where at this moment there is no such connection, and it is obviously a connection of great importance indeed. My hon. friend said there was a railway there, and what he states must be true. I understand that there was a railway there long ago, before the rear lines of railway between the eastern and western portions of Ontario were constructed, and the reason why that road had to be abandoned, that the country was not sufficiently opened up to afford traffic no longer exists.

HON. MR. REESOR—The road did not pay running expenses, and that was the reason they allowed it to drop.

HON. MR. ABBOTT—Very likely that was the reason, but the railway that did not pay running expenses forty years ago, when the rear portions of the country had not been opened up, and when there was no means of communication at right angles to it, might now pay running expenses, and something more, and might serve as a very important means of commuication between the rear portions of the country and the front. These are the only railway companies whose subsidies have been distinctly and precisely found fault with, and I think it is rather a tribute to the judicious selection of the railways mentioned in this Bill that only these could be found fault with, and, I venture to think, on rather insufficient grounds.

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

HON. MR. ABBOTT moved the third reading of the Bill, under suspension of the Rule.

HON. MR. McCALLUM—I was not in the House when the hon. the leader was speaking about the Niagara Central. He says it is an international railway. Of course it runs across the Niagara River at the Suspension Bridge, but there is another road that is being bonused by the city of Hamilton with $200,000 or $300,000 that is to run to the town of Welland. That railway is to run over a country where there is no railway near it.

HON. MR. ABBOTT—Which is that?

HON. MR. McCALLUM—That is the Buffalo and Hamilton Railway. I merely speak of that, in case the Government are going to continue this system of bonusing. This is a part of the country that has not

had a railway at all, and it is better to subsidise railways where there are none than where there is competition.

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

LAND SUBSIDIES TO RAILWAYS BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (160) "An Act to authorize the granting of Subsidies in Land to certain Railway Companies." He said: I suppose hon. gentlemen understand that this is a Bill granting subsidies in land to railways in the North-West, opening up districts of country which at present have no means of communication. There are eight of them altogether, and they receive the usual grant of land which has been the practice to give to deserving companies in that part of the country for a number of years past.

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

HON. MR. ABBOTT moved the third reading of the Bill under suspension of the Rule.

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

THE SUPPLY BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (158) "An Act for granting to Her Majesty certain Sums of Money required for defraying certain Expenses of the Public Service." He said: This is the crowning Act of the Session, I suppose. It is the last Bill which we have on our Order Paper, and it is perhaps the most difficult of the labors that we have performed this Session. It contains only a small number of clauses. The balance which is granted to Her Majesty towards defraying the several charges and expenses of the public service from the first day of July, 1889, to the 30th of June, 1890, is $2,038,168.90. The amount granted to Her Majesty for the coming year is $25,464,944.95. There is no new authority for borrowing. The authorities are continued.

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

HON. MR. ABBOTT moved the third reading of the Bill, presently, under suspension of the Rule.

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

IN CONCLUSION.

HON. MR. ABBOTT moved that when this House adjourns to-night it do stand adjourned until 12 o'clock to-morrow. He said: I do not know that it is in order, but I do not like to allow the Session to close without expressing to you my high appreciation of the kindness and indulgence hon. gentlemen have shown me this Session in the performance of a duty which is somewhat arduous, inasmuch as it comprises a field of operations more extensive than I have ever cultivated before. I thank you very cordially and very heartily for your kindness.

HON. MR. POWER—If I may be allowed to break the Rules of the House for a moment, I wish to say this on behalf of one section of the House, at any rate, that the hon. gentleman has no reason to thank the House for their indulgence, for I think the Senate has never been called upon to extend any indulgence to the hon. gentleman at all; and so far as there is any reason for gratitude, I think that the House have every reason indeed to be thankful to the hon. leader for the admirable manner in which he has discharged his duties. Before the hon. gentleman came to this House there were a few keen-sighted people who had some idea of his great ability; but it is only since he came here that a considerable number of people of Canada have found him out, and I think the House has not only reason to be thankful that he has been enabled to place his great services at the disposal of the country, but also for the great courtesy he has always extended to every member of this House without distinction of party.

HON. MR. KAULBACH—I heartily endorse what my hon. friend from Halifax has said, and I hope that when the hon. leader comes back again to preside over the House, which he has done so ably and well, that he will have a portfolio.

The motion was agreed to.

The Senate adjourned at 10 p.m.

THE SENATE.

Ottawa, Friday, 16th May, 1890.

This day at, Four o'clock p.m., His Excellency the Governor General proceeded in state to the Senate Chamber in the Parliament Buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in Her Majesty's name, by His Excellency the Governor General, viz.:—

An Act respecting the Pontiac Pacific Junction Railway Company.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act to amend "The Exchequer Court Act."

An Act to incorporate the Dominion Safe Deposit Warehousing and Loan Company (Limited.)

An Act to incorporate the Home Life Association of Canada.

An Act further to amend the "Canada Temperance Act."

An Act respecting Fishing Vessels of the United States of America.

An Act respecting Grants of Public Lands.

An Act for the relief of Hugh Forbes Keefer.

An Act for the relief of Christina Filman Glover.

An Act to amend an Act concerning Marriage with a deceased Wife's Sister.

An Act respecting H. H. Vivian and Company, (Limited).

An Act further to amend the Act respecting the Inland Revenue, chapter thirty-four of the Revised Statutes.

An Act to amend "The Interpretation Act."

An Act respecting the Department of the Geological Survey.

An Act to facilitate the purchase by the Pontiac Pacific Junction Railway Company from the Canadian Pacific Railway Company of the Branch Line of Railway between Hull and Aylmer.

An Act respecting the Ontario Pacific Railway Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of George T. Smith.

An Act respecting the Hereford Railway Company and the Maine Central Railway Company.

An Act relating to Bills of Exchange, Cheques and Promissory Notes.

An Act further to amend the Criminal Law.

An Act to amend "The Indian Advancement Act," chapter forty-four of the Revised Statutes.

An Act to amend "The Gas Inspection Act," chapter one hundred and one of the Revised Statutes.

An Act respecting Railways.

An Act to amend "The Seamen's Act," chapter seventy-four of the Revised Statutes.

An Act to amend "The Steamboat Inspection Act," chapter seventy-eight of the Revised Statutes.

An Act further to amend the Revised Statutes, chapter five, respecting the Electoral Franchise.

An Act respecting certain Savings Banks in the Province of Quebec.

An Act respecting a certain agreement therein mentioned with the Calgary and Edmonton Railway Company.

An Act to amend the Acts respecting the Harbor of Pictou.

An Act to amend the Acts respecting the Duties of Customs.

An Act respecting the Wood Mountain and Qu'Appelle Railway Company.

An Act to amend the Act of the present Session, intituled: "An Act to amend the Acts respecting the Duties on Customs."

An Act further to amend "The Indian Act, chapter forty-three of the Revised Statutes.

An Act to incorporate the York County Bank.

An Act to provide for the collection and publishing of Labor Statistics.

An Act to make further provisions respecting the Bounty on Pig Iron manufactured in Canada from Canadian ore.

An Act to amend chapter 127 of the Revised Statutes of Canada, intituled: "An Act respecting Interest."

An Act to authorize the granting of subsidies in aid of the construction of the lines of Railway therein mentioned.

An Act to authorize the granting of Subsidies in Land to certain Railway Companies.

An Act respecting Banks and Banking.

An Act respecting the Winnipeg and Hudson Bay Railway Company.

Then the Honorable the Speaker of the House of Commons addressed His Excellency the Governor General as follows:—

"MAY IT PLEASE YOUR EXCELLENCY:

"The Commons of Canada have voted the supplies required to enable the Government to defray the expenses of the public services.

"In the name of the Commons, I present to Your Excellency the following Bill:—

"'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1890, and the 30th June, 1891, and for other purposes relating to the Public Service.'

"to which Bill I humbly request Your Excellency's assent."

To this Bill the Royal Assent was signified in the following words:—

"In Her Majesty's name, His Excellency the Governor General thanks Her Loyal Subjects accepts their benevolence, and assents to this Bill."

After which His Excellency the Governor General was pleased to close the Fourth Session of the Sixth Parliament of the Dominion with the following

SPEECH:

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In bringing to a close this somewhat protracted Session of Parliament I desire to convey to you my best thanks for the diligence with which you have applied yourselves to your important duties.

The negotiations respecting the Behring Sea Question are still in progress at Washington with good prospects of an equitable settlement. Meanwhile, the continuance for another year of what is known as the *Modus Vivendi* will serve to show our earnest desire to cultivate the most friendly relations with the United States Government and the people.

The re-adjustment of the Customs Tariff, intended to promote the development of our agricultural, man-

ufacturing and other industries, will, I have reason to hope, operate for the general benefit of all classes.

I am glad to believe that the Act relating to Banking has been most carefully considered, and will be found to guard the interests of the Public and to be sufficiently liberal to those who are more immediately affected by its provisions.

The measure relating to Bills of Exchange, Cheques and Promissory Notes will, doubtless, render more certain and plain the law relating to these instruments and make the law in that regard uniform in almost all respects throughout Canada.

The amendments to the Criminal Law include a great number and variety of provisions, all of which will probably be found useful, and several of which were urgently demanded for the public welfare.

The creation of a Bureau of Labor Statistics will promote the investigation and study of the questions which affect the relations of Capital and Labor, and which are now engaging the attention of all great nations. It will likewise aid the diffusion of information on all that concerns the occupations and well-being of the working classes. In some other measures of the present Session you desire to improve the laws which apply particularly to those engaged in industrial pursuits will be likewise recognized.

The various provisions to amend the laws relating to Railways, to Patents, Copyrights and Trade Marks, and to the Department of Inland Revenue, and, likewise, the enactments to improve the Statutes for the management of our Indian population, are well adapted to promote the efficient administration of the Departments to which they relate, while the large amount of private railway legislation indicates a spirit of enterprise throughout the country which, it is to be hoped, will lead to a substantial development of the railway works of the country.

Gentlemen of the House of Commons:

I thank you for the liberal provision which you made for the requirements of the Public Service.

Honorable Gentlemen of the Senate:
Gentlemen of the House of Commons:

I take leave of you for the present, with the earnest hope that in the coming season our people in every part of Canada may be blessed with an abundant reward for their labours and may witness a marked advance in the prosperity of the Dominion.

THE SPEAKER of the Senate then said:

Honorable Gentlemen of the Senate, and Gentlemen of the House of Commons:

It is HIS EXCELLENCY THE GOVERNOR GENERAL'S will and pleasure, that this Parliament be prorogued until Monday, the twenty-third day of June next, to be here held, and this Parliament is accordingly prorogued until Monday, the twenty-third day of June next.

INDEX

TO

DEBATES OF THE SENATE.

SESSION 1890.

PART I. constitutes an index to the names of Senators, with their action upon the respective subjects. In this part *italics* denote that the Motion, Amendment or Inquiry in question emanated from the Senator mentioned.

PART II. constitutes an analytical index to all subjects debated. Names in *italics* and parenthesis after the subject indicate the *movers*.

The following abbreviations have been employed: Amt., Amendment; Appt., Appointment; B., Bill; Com., Committee; Concurr., Concurrence; Corresp., Correspondence; Dischd., Discharged; Div'n., Division; H H., His Excellency; H. M., Her Majesty; Incorp., Incorporation; Inqy., Inquiry; M., Motion; *m.*, moved; Res., Resolution; R. R., Railway; W., Whole House, thus: Com. of W., Committee of Whole House; Withdr., Withdrawn.

On a Division—C., Contents; N. C., Non-Contents.

1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Reading.

*, Without comment or discussion.

I.—INDEX TO SENATORS.

COCHRANE, Hon. Henry Matthew.

DEVER, Hon. James.

McKAY, Hon. Thomas.

McKINDSEY, Hon. George C.

MURPHY, Hon. Edward.

O'DONOHOE, Hon. John.

WARK, Hon. David.

II.—INDEX TO SUBJECTS.

BILLS.